

Speeches before Congress by C. Hart Merriam

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INDIAN TRIBES OF CALIFORNIA

Statement of C. Hart Merriam - 50-63.

HEARING

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS HOUSE OF REPRESENTATIVES

SIXTY-NINTH CONGRESS

FIRST SESSION

ON

H. R. 8036 and H. R. 9497

MAY 5, 1926



WASHINGTON
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INDIAN TRIBES OF CALIFORNIA

HEARING

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HOUSE OF REPRESENTATIVES

H. R. 8036 and H. R. 9497

INDIAN TRIBES OF CALIFORNIA

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON INDIAN AFFAIRS,
Wednesday, May 5, 1926.

The subcommittee met at 10 o'clock a. m., Hon. F. D. Letts (chairman) presiding.

Mr. Letts. This hearing is on two bills relating to Indians in California; one, H. R. 8036, introduced by the later Mr. Raker; and the other, H. R. 9497, introduced by Mrs. Kahn.

The bills will be inserted in the record at this point.

(The bills referred to are as follows:)

[H. R. 8036, Sixty-ninth Congress, first session]

A BILL Authorizing any tribe or band of Indians of California to submit claims to the Court of Claims

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims of whatsoever nature that any tribe or band of Indians of California may have against the United States by reason of those certain eighteen treaties ratified by the chiefs and head men of the several tribes and bands of Indians of California, which said treaties were submitted to the Senate of the United States by President Fillmore for ratification on the 1st day of June, 1852, or by deprivation of the lands and goods referred to in said treaties, or the failure or refusal of the United States to compensate said tribes or bands of Indians for lands occupied and claimed by them, as referred to in said treaties, and which lands are claimed to have been taken from them without compensation, may be submitted to the Court of Claims for determination of the amount, if any, due said tribes or bands from the United States; and jurisdiction is hereby conferred upon the Court of Claims of the United States, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all such claims, if any, of said tribes or bands against the United States, and to enter judgment thereon.

SEC. 2. If any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, notwithstanding lapse of time or statutes of limitation, or the fact that the said claim or claims have not been presented to any other tribunal, including the commission created by the act of March 3, 1851 (Ninth Statutes at Large, page 631): *Provided*, That any judgment for said claimants shall be for an amount equal to the fair value of the compensation provided for the Indians in said treaties, including the lands described in said treaties, not to exceed \$1.25 per acre for the said lands, with interest thereon at 4 per centum per annum from June 1, 1852, to the date of the judgment. Any judgment which may have been made by the United States upon any claim or claims made under the provisions of this act shall not be pleaded as an estoppel, but may be pleaded by way of set-off, and any sums paid to or expended by the United States for the benefit of the claimants shall be credited to the United States as of the dates the court finds such payments or expenditures to have been made.

SEC. 3. The claims of those entitled to sue under the provisions of this act shall be presented jointly by petition, which shall be filed within two years after the passage of this act. Said petition shall be subject to amendment. Any tribe or band of Indians or claimants the court may deem necessary to a final and just determination of a claim that has been filed under the

provisions of this act may be joined as a party plaintiff notwithstanding the fact that the said tribe or band or claimants have not filed a claim within two years after the passage of this act. The petition shall be signed and verified by the attorney or attorneys employed by the claimants under contract approved by the Secretary of the Interior. Verification may be upon information and belief as to the facts alleged. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence and the departments of the Government shall give the said attorney or attorneys access to such papers, correspondence, or records as may be necessary in the premises.

SEC. 4. Any court rendering a judgment under the provisions of this act shall decree such fees as it shall find to be reasonable, not exceeding 10 per centum of the amount of the recovery, to be paid the attorney or attorneys employed by the claimants as compensation for their services in such action. In addition to the amounts above provided for in said judgment the court shall decree an amount to cover all necessary and proper expenses incurred in the preparation and prosecution of the claims herein authorized.

SEC. 5. The amount of any judgment rendered, other than that provided for in section 4 hereof, shall be placed in the Treasury of the United States to the credit of the claimants entitled thereto and shall draw interest at the rate of 4 per centum per annum until such time as the Congress shall otherwise direct.

SEC. 6. For the purpose of this act the tribes or bands of Indians of California shall be construed to mean those Indians residing in California at the time of the alleged deprivation of their lands and their descendants.

SEC. 7. Within eighteen months after the passage of this act the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause a roll to be made of the persons entitled to claim thereunder. Said roll shall be a public record and made accessible to claimants, their agents and attorneys at reasonable times. Any person claiming to be entitled to share under the provisions of this act may within two years after its approval present or cause to be presented to said Secretary an application in writing for his enrollment as a claimant hereunder. At any time within two and one-half years after the approval of this act the said Secretary shall have the right to alter and revise said roll, at the end of which time said roll shall be final and conclusive as to the rights of the persons entitled to share under this act.

[H. R. 9497, Sixty-ninth Congress, first session]

A BILL To provide funds for the reimbursement of the Indians of California for lands taken from them under the eighteen treaties of 1851 and 1852, and without treaty, and under subsequent court decisions for which no compensation has heretofore been made; and to provide for the administration of the appropriation herein made, including the creation of a commission to have charge of said administration

Whereas in 1851 and 1852 there were concluded between a large proportion of the uncivilized Indians of California and the representatives of the Government of the United States eighteen treaties, under which certain Indian tribes in California, represented by four hundred and one chiefs, captains, and headmen, bound their tribes to live under the jurisdiction of the United States and to accept certain lands as a perpetual assignment to them by the Government in lieu of all other lands to which these Indians had the right of possession from hundreds of years of undisturbed occupancy, and also the right of possession under the laws of Mexico prior to the cession of California to the United States; and

Whereas the early recognition of the claim of prior occupancy in the United States is shown by the following communication, drawn up by General Knox, Secretary of War, and transmitted to Congress on June 15, 1789, by George Washington, President of the United States:

"The Indians, being the prior occupants, possess the right of soil. It can not be taken from them unless by their free consent, or by right of conquest in case of a just war. To dispossess them on any other principle would be a gross violation of the fundamental laws of nature, and of that distributive justice which is the glory of a nation"; and

Whereas due to the great influx of white immigrants into California during the gold rush of 1849 and succeeding years and their insistence on unrestricted rights in all parts of the State, the ratification of these treaties by the Senate of the United States was never carried out, but on the other hand, all of the lands which the Indians had agreed to cede to the United States were taken from them, together with by far the greater part of the lands to which they were promised title under the terms of said treaties, and title to said lands, taken as aforesaid, together with title to other lands possessed by other uncivilized Indians of California with whom no treaties were ever made, was assumed by the United States without process of law and has since been patented in a greater part to other persons; and

Whereas all of the more civilized or so-called Mission Indians of California, who were in occupation of lands granted to other persons by the Governments of Spain and Mexico with express reservations protecting the right of occupation of such Indians, failed to receive the protection promised by the Government of the United States as specified in the Treaty of Guadalupe Hidalgo, 1848; and

Whereas as a result of said failure to ratify the treaties made with certain Indians by its duly authorized commissioners, and of said failure to make any treaties at all with certain other Indians before assuming title to the lands occupied by them, the United States Government and its patentees have obtained without compensation not only the areas set aside as reservations under the eighteen unconfirmed treaties but also all of the lands originally possessed by said Indians; and

Whereas at the time of the white invasion of California the whole of the land now included in the State was owned and occupied by Indian tribes, the boundaries of which tribes were as definitely fixed as those between our States and counties; and

Whereas the State of California contains one hundred and fifty-five thousand six hundred and fifty-two square miles of land, or ninety-nine million six hundred and seventeen thousand two hundred and eighty land acres, all of which originally belonged to and was occupied by the native Indian tribes; and

Whereas the Government has derived from sales of parts of the public domain in California, the greater part of which was ceded to the United States by the Indians under the terms of said eighteen treaties, over \$22,785,000 up to June 30, 1918, according to the report of the Board of Indian Commissioners for the fiscal year ended June 30, 1920, while, on the other hand, all the land the California Indians have been awarded during the seventy-five years that have elapsed since these treaties were made amounts to less than four hundred and fifty thousand acres, or a per capita acreage as of 1925 of less than twenty-four acres, most of which land is wholly unfit for cultivation or even habitation; and

Whereas it is an established historic fact universally admitted that great injustice has been done the Indians of California by confiscating their lands, by driving hundreds of them in the dead of winter through rain and mud and snow to faraway illegal "reservations"—men, women, and little children, including the old, the feeble, and the sick—many perishing on the way from hardship and the brutality of the drivers, by forcing thousands into remote and inhospitable parts of the State, by depriving them of their natural food, thereby causing many to die of starvation, by imprisoning them for killing deer or taking fish, by inoculating them with fatal diseases, and on several occasions by massacring large numbers in cold blood, while for a period of at least fifteen years (1849-1864) in certain parts of the State they were hunted and shot down with little or no pretext; and

Whereas since 1848, when the treaty of Guadalupe Hidalgo transferring absolute possession of California from Mexico to the United States was confirmed, citizens of the United States have occupied millions of acres rightfully belonging to Indians and have profited from the use thereof by hundreds of millions of dollars; and

Whereas it is now the desire of Congress to make such reparation as can be made by the Government of the United States to the surviving descendants of all of the Indians of California from whom said lands were taken without compensation through the failure of the Senate to ratify the treaties made

and entered into in 1851 and 1852, and through the failure of the United States Government to make treaties with other uncivilized Indians before assuming title to the lands occupied by them, and through the failure of the Government to afford protection to or compensation for the possessory rights of California Indians to lands occupied by them under the Mexican law at the time of the cession to the United States: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$49,583,640 (the same being the value at 50 cents per acre, without interest, of the Indian lands of California, less the four hundred and fifty thousand acres at present allowed for reservations and allotments) be, and the same is hereby, appropriated, out of moneys in the United States Treasury not otherwise appropriated, to be applied, expended, utilized, and accounted for, for the benefit of the Indians of California, in accordance with the provisions of this act, as compensation for and in lieu of all other moneys, lieu lands, or other compensation to which said Indians of California are or may be entitled in law or equity in the place of lands which have heretofore been taken from them under the provision of said "Eighteen treaties," or without treaty, or under the provisions of court decisions, or statute of limitations, vesting title thereto in other parties.

SEC. 2. There is hereby created a commission, to be known as the California Indian Land Commission, to consist of two commissioners appointed by the Secretary of the Interior, two commissioners appointed by the Governor of the State of California, and one commissioner appointed by the President of the United States. One of the commissioners to be appointed by the Secretary of the Interior and one of those to be appointed by the Governor of the State of California shall be experts in the knowledge of agricultural lands and land values, and irrigation problems in California. The remaining commissioners to be appointed by the Secretary of the Interior and the Governor of the State of California shall be persons familiar with the economic and welfare problems of the Indians of California. Commissioners shall hold office for a period of six years, provided that of the first commissioners appointed, two shall hold office for two years, two for four years, and one for six years, their respective terms to be determined by lot at the first meeting after organization. Vacancies occurring from expiration of term, death, resignation, or inability to act shall be filled by the appointing power who filled the position in which the vacancy occurs.

Said commission shall organize when appointed, and may employ a secretary and such other employees and expert or technical advisers as it deems essential to the administration of the functions provided in this act, and shall fix their compensation. The members of the commission shall receive no salary, but shall be allowed the expenses of travel and administration of the functions conferred upon them by this act. Such expenses, together with salaries of all employees and other expenditures of the commission, shall be paid out of the appropriation hereinabove made. Such expenses and salaries, however, shall not exceed the total sum of \$— annually.

SEC. 3. The California Indian Land Commission shall have the power, and is hereby authorized and directed, to make a study of the economic needs of the Indians of California; to purchase such additional agricultural lands as it may deem necessary for the economic rehabilitation of said Indians; secure a reasonable water supply; acquire or construct irrigation systems where deemed necessary; erect fences, farm buildings, and suitable living quarters thereon; purchase farm machinery and equipment, livestock, seed, fertilizer, trees, and other materials necessary for proper and economic farming, irrigation, and marketing; establish the minimum credits necessary for the maintenance of said Indians during the period which the commission shall find it necessary to enable Indians settled on lands purchased as aforesaid, or on lands of existing Indian reservations, allotments, trust allotments, or lands now owned by Indians individually or collectively in California, to place themselves on a self-supporting basis through the cultivation of such lands; and to permit the purchase by or for said Indians, and charge against said credits, of the means of subsistence, clothing, and necessary household furnishings and utensils during said period.

The commission shall make suitable rules and regulations in conformity with the provisions of this act to insure the proper administration thereof by its employees and agents.

Title to all land purchased in accordance with the terms of this act shall be taken in the name of the United States to be held in trust for the Indians of California under the administration of the California Indian Land Commission herein created. Said trust shall continue until such time as Indian occupants of lands held thereunder shall convince the commission of their willingness and ability to support themselves, independently of any further governmental regulations or protection. And to this end any Indian applicant or group of applicants may make application to the commission at any time for a certificate entitling said applicant to patent or said group of applicants to a group patent. The commission shall examine all facts relating to said application and to the ability of the applicant or applicants to administer independently his or their own affairs and, if satisfied, shall issue a certificate setting forth its findings in this respect and a recommendation that patent be issued to the applicant or applicants. The Secretary of the Interior, upon receipt of such certificate from the California Indian Land Commission, shall forthwith cause a patent to be issued under the seal of the United States to the person or persons named in said certificate as being entitled thereto; thereafter the land so patented shall be discharged of all trusts, shall cease to be administered or regulated by the commission, and shall be subject to local assessment and taxation: *Provided, however,* That the issuance of such patent shall not relieve the patentee or patentees or his or their successors from supervision and direction by the commission in the matter of joint irrigation of his property in connection with other lands under the commission's jurisdiction and in the joint use of roads, irrigation canals, or other community facilities.

SEC. 4. The California Indian Land Commission shall have access to all records and data of the Bureau of Indian Affairs relating to California Indians, and in person or through the duly authorized agents of said commission shall be permitted to communicate freely with said Indians, with a view to ascertaining their economic status and needs.

The commission shall have power to conduct the acquisition, installation, maintenance, and operation of irrigation systems through the Indian Irrigation Service, the Reclamation Service, or any other agency of the Federal Government which may be hereafter charged with the construction, maintenance, or operation of irrigation and reclamation systems; and each of said Federal agencies is hereby authorized, upon request of the commission, to supervise or assist in the installation, maintenance, and operation of such systems, the cost of such work to be paid by the commission out of the appropriation herein made.

Said commission is also authorized to request and utilize the assistance of any bureau, department, or agency of the State of California which may be authorized by law to carry on work similar to that under the jurisdiction of the commission and to pay the cost thereof from the appropriation herein made.

SEC. 5. The commission shall keep current minutes, records, and accounts of all transactions and expenditures, and shall render an annual report to Congress showing its accomplishments during the preceding year, the expenditures made from the above appropriation under the terms of this act, and the purposes for which such expenditures have been made. Said report may include also any recommendations which the commission desires to make for further congressional action in connection with the purposes of this act. The minutes, records, and accounts of the commission shall be open to inspection by any citizen at all times during business hours.

Mr. LETTS. So as to identify the previous hearings held on similar bills, a note will be made of them at this point.

(The hearings referred to were held by a subcommittee of the Committee on Indian Affairs, House of Representatives, on March 23, 1920, and April 28 and 29, 1922.)

Mr. LETTS. As there is no particular order in which we should proceed, we can proceed to hold a hearing on these two bills jointly, and, if it is agreeable to the other members of the subcommittee, we will hear from Mrs. Kahn at this time.

STATEMENT OF FLORENCE P. KAHN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mrs. KAHN. What I want to make is really a general statement, because I feel that, in the face of the adverse report rendered by the Secretary of the Interior on my bill, it would be absurd to take up the time of the committee trying to induce them to report it out favorably.

But what I want to do is to establish the principle of recognizing the moral obligation toward the Indian, and meeting it through what is called a gratuity appropriation. If no more than \$10,000,000 net were put aside for the Indians, and the interest used annually, the California Indians could be given adequate agricultural and industrial facilities within 10 years.

It is not Utopian to think that Congress will act on a moral obligation, because right now there is before it a proposition involving not \$10,000,000 or \$20,000,000, but hundreds of millions of dollars; and we feel sure that the claims of the Indians for these oil lands are to be settled on a moral and not a legal ground, and that they will eventually get their rights, and also that the Sioux Indians, who are also suing for \$750,000,000. And we feel that, in the same way, the question of the California Indians can be settled and will be.

But we feel that this year, on account of the adverse report of the Secretary of the Interior, and the attitude of the Director of the Budget toward all these such things, it would be neither wise nor profitable to push it.

But we hope eventually something can be done for the California Indians, and that there is a large, growing spirit of cooperation in California toward the Indians. The people of California are recognizing more and more their duty toward the Indians, and the moral obligation that the Indian has toward them. And we feel that California will cooperate whole-heartedly with anything that the United States Government decides to do for our Indians.

Mr. BRIGHAM. Your recommendation for \$10,000,000—is that for all Indians?

Mrs. KAHN. For all Indians in California.

Mr. LETTS. You have familiarized yourself with the provisions of the Raker bill?

Mrs. KAHN. Yes, slightly. I do not know it quite as well as my own. But I do not believe that it would in any way conflict with it.

Mr. LETTS. Does that serve the same purpose in another way?

Mrs. KAHN. I think that Mr. Collett, who is here, could probably answer that question far better and in much more detail than I could.

Mr. LETTS. Very well.

Mrs. KAHN. As he knows the specific details, I might say, of each bill, and he has made this a life study, and he has devoted his whole time and his whole energy to the condition of the Indians in California, and to getting legislation for them; and I feel quite sure that any question that you may ask him regarding a conflict of one bill with the other can be answered by him with far more authority than by me.

Mr. LETTS. Thank you very much.

set aside by Executive orders. This map gives you some idea of the very small portion of California that was to have been reserved for the Indians. It also gives you a conception as to the very small amount of lands that are now in the possession of the Indians, or, rather that the Indians are allowed to live on.

Mr. LETTS. How many pieces were the 7,500,000?

Mr. COLLETT. The 18 different plots indicated in green.

I believe there is nothing further that I wish to call your attention to at this time unless it be to emphasizing the fact of the unanimously favorable history of the jurisdictional bill last year, and the further fact that the present jurisdictional bill, H. R. 8036, is more restricted and protects the interests of the Government far better than the preceding bill.

We are not in favor of the bill proposed by Mrs. Kahn. The Indians of California know nothing of it and would not be favorable to it, perhaps, chiefly because it does not have any just basis for settlement. Secondly, because a direct appropriation, judging from the history of such appropriations, is not reasonable at this time, especially if it is difficult to get a jurisdictional bill through which will give the Indians a fair day in court. It surely would be harder at this time to get favorable consideration of an appropriation of any considerable amount, so we are asking that you first of all determine what our rights are, what is reasonable in the case, and then that appropriations be based on it, and that the expenditures be made as Congress shall hereafter direct.

Mr. LETTS. Have you any questions.

Mr. EVANS. I have no questions.

Mr. LETTS. We thank you very much for your statement, Mr. Collett.

STATEMENT OF C. HART MERRIAM, WASHINGTON, D. C.

Mr. LETTS. State your interest in the matter and whom you represent.

Mr. MERRIAM. I do not represent anyone. I am a research associate in the Smithsonian Institution. For 25 years I was chief of the Government Biological Survey. This put me in contact with many tribes of Indians in California, Oregon, Washington, Montana, Idaho, Wyoming, Nevada, Utah, and Arizona.

The statement by Mr. Lea this morning is so full and so competent that I shall not attempt to go over the same ground but merely concur in practically everything he said in regard to the early treatment of Indians in California. There are only two points in which I differ. One, that he accepted, apparently the statement from the Interior Department that the Indians of California did not own the eastern part of the State, I think he said the eastern third.

Mr. LETTS. He said undetermined area.

Mr. MERRIAM. An area amounting to hundreds of thousands of acres. He accepted the statement that it did not belong to the Indians. That is incorrect. The eastern border of California on both sides of the line—covering a distance of approximately 850 miles—was completely occupied by the Northern Piute, Washoo, Panamint, Southern Piute, Mohave, Chemeweve, and Yuma Tribes;

be given their day in court. In view of the unanimous action by Congress last year and by this committee and the Secretary of the Interior, it would seem fair for us to expect that a similar action be taken by this Congress.

It has been estimated that about \$20,000,000 might be recovered under this bill, that the offsets which the Indian Office claims are twelve or more million dollars; which do not include the amounts that have been expended from the general appropriation bill prior to 1910. So it might be that the appropriations that would be pleaded as an offset would range from twelve to fifteen million dollars. I say pleaded as an offset. It is probable that the court would find some of these amounts not legitimate charges.

When the settlement was finally effected, if the Indians were to recover something like five to eight million dollars due them, it would be but a very small amount compared with what we are getting from the lands that we took from them. There are in California in excess of 99,000,000 acres of land. We have sold a little over 15,000,000 acres. We still have in our reserves in excess of 42,000,000 acres, 19,000,000 of which are in the national forests and have valuable timber. The United States Treasury has received from the sale of public lands in California, between 1849 and June 30, 1925, the sum of \$25,759,320.08. For grazing purposes in the national forest the Treasury has received \$2,727,561.93. From royalties, oil, gas, gasoline, and other minerals, we have received \$24,654,171. From various concessions in our national parks in California, the United States Treasury has received a total of \$950,380.90.

The timber cut under Government scale from the national forests in California from 1905 to 1925, was 2,096,439,000 feet. At the average price that the Government is now receiving for the sale of timber in California, \$4 per thousand, this means \$8,385,756.

In other words, the actual amounts that are recorded as received by the United States Treasury from lands that we took from California Indians are in excess of \$62,000,000.

We have in California at this time public lands in the amount of 42,474,261 acres, which if sold at \$2.50 an acre, the amount that we have suggested for our bill, the Government would receive \$106,145,652.50.

The Forestry Department estimates that there is standing timber in the national forests in California, in the amount of 100,599,250,000 feet, which if sold at the present average of \$4 per thousand, would net \$402,397,000.

By this we see that the Government has received from lands that it retained, from rentals, and lands that it sold, in excess of \$62,000,000. Add to that the lands that are now in its possession and the timber, to say nothing about the other resources, there are in excess of \$500,000,000.

In order that you may get some idea as to the national forests in California, I will call your attention to a Government map, which shows in green and blue the national resources.

This map is self-explanatory. I have here a map of California, which shows in green the lands that were to have been reserved for the Indians of California under the 18 treaties. The red spots indicate lands that have been bought or reservations that have been

and by running a line 50 miles west of the boundary and parallel to it, additional territory belonging to the following tribes will be included: Modok, Hawesidoo, Hammahwe, Astakewiche, Atwumwe, Apwooroka, Notokoioyo, Kummowin, Mewuk, and Monache.

For about 38 years I have been platting the distribution of California tribes on large scale maps and years ago found that there is not an acre of land in the State of California that did not belong to Indian tribes. Many people imagine that the California Indians are nomadic, like the Plains Indians, that they wander from place to place. That is not the case, as every ethnologist knows. In California the various tribes have definite tracts of land, the boundaries of which are as fixed as the boundaries of our States and counties. An Indian of one tribe would not dare enter the territory of another tribe unless under circumstances of mutual agreement except in pursuit of a wounded animal, which he was allowed to follow for a certain distance. He would not pick manzanita berries or gather a basket of acorns, or shoot any deer or rabbit or quail in the territory of another tribe, nor catch a fish in any of their waters. The tribal boundaries were definite and thoroughly understood—in former years by every member of the tribe, men, women, and children; but nowadays the young people do not always know the boundaries.

The other point in which I differ with Mr. Lea is in regard to the intelligence of Indians. I understood him to say that the Indians are ignorant. Now, ignorance, of course, is a relative term; one would hesitate to call a person "ignorant" because his field of knowledge differed from that of the speaker. Every ethnologist, very early in his career, is deeply impressed by the intelligence and learning of Indians. Even those we hear spoken of as lowest in the scale of human intelligence possess a fund of practical knowledge and imaginative belief wholly lacking in our education. When we come to know them we are astonished at their knowledge of the food values of animals and plants, their skill in the preparation and use of plants for textile, medicinal, and decorative purposes (including the making of permanent dyes), and their cleverness and mechanical ingenuity in the construction of articles of every-day use. And we are likely to be still more astonished to learn that among a number of tribes, the proper time for gathering certain plants for medicinal, ceremonial, or other purposes is predetermined by the position of certain stars. An Indian will show you the control star and tell you that you can not pick its plant until the star is in a certain place, which he will point out. This is remarkable, and so is their religion and their mythology.

Mr. LETTS. That is experience and observation.

Mr. MERRIAM. Their mythology is as interesting as that of the Greeks and Romans, the Egyptians, the Chaldeans, or the Lithuanians. Not long ago, at a dinner in New Haven, I was asked to recite some myths of California Indians, and President Angell remarked that he was never more surprised; he was familiar with the mythologies of ancient foreign peoples, but they were not more interesting or beautiful than these of our Indians, and he had not known that there was anything of the sort among American Indians. This simply shows that scholarly men of more than ordinary intelligence,

men familiar with mythologies of the old world, may be wholly unaware of the wealth of our own aboriginal mythologies.

I have never found any Indian of any tribe who did not amaze me by the extent of his knowledge. But their knowledge differs from our knowledge. In contrasting their education and experience and philosophy with ours one may use the illustration afforded by the wheels of a wagon, which, though continually revolving in nearby circles, never meet. So with knowledge: That of the Indian revolves in one sphere, that of the white man in a different sphere, and neither is able to comprehend the other. To us, many Indians seem ignorant because we do not understand them, and to them we seem ignorant and bad because they do not understand us. Unfortunately, few of them are in contact with the best of our people. Many Indians have asked me how people who can do such wonderful things can be so wicked—so unjust—and how it is that white people lie and steal and do the mean things we do.

Mr. Lea made no mention of the brutal treatment of Indians in California by the early whites, the wholesale massacres by both Spaniards and Americans, where Indians were butchered in cold blood with little or no provocation. Nor did he mention the Indian drives where, even after our Government had taken possession and laid out the original reservations, bands of Indians were gathered and herded and driven like hogs to distant reservations—the two worst ones in midwinter, one through the mud and rain of southern San Joaquin Valley to the Fresno country; the other, across the northern Sacramento Valley, where the Indians of several tribes were rounded up and driven by men on horseback over the mountains and down into Round Valley on the west slope, where many were hunted and killed by the whites (as recorded in the report of a committee of the California Legislature in 1860). In both drives, the aged and infirm, the sick, and women with babies and little children who could not keep up, were put out of the way—some shot with pistols, some clubbed over the head, and some beaten until they fell and never got up. In Tulare Valley at least one white man, living in a cabin with his Indian wife, was shot down standing in his doorway because he refused to allow his wife to be taken and abused. Those terrible things Mr. Lea did not mention, and I did not mean to mention them. But they are a part of the history of the treatment of California Indians by the whites.

The essence of what I have to say can be stated in a very few minutes. It is a comparison of the Raker and Kahn bills—the bills now before your committee. Previous to the existence of the Kahn bill I favored the Raker bill, and once spoke for it before the House Committee on Indian Affairs. It then seemed the only chance we had to do something for California Indians, although it would not help more than half the tribes. The Kahn bill was prepared by the Commonwealth Club of California, assisted by attorneys of the women's associations and the Indian Defense Association.

The principal fault with the Raker bill, as I look at it, is that it aims to recompense only the survivors of the 18 treaty tribes, leaving the remaining Indians of California unprovided for. That seems a curious and unjust discrimination. If we are going to help California Indians out of their condition of pitiful poverty, let us help them all.

Mr. LETTS. What proportion of the Indian population would that be?

Mr. MERRIAM. I have not figured that out. I should think in the neighborhood of half. There are many difficulties in ascertaining the exact number. These difficulties are partly in the interpretation of the word "tribe" (for anthropologists are not agreed as to the definition of tribe), but mainly in distinguishing tribes from villages. Many of the so-called tribes enumerated in the 18 treaties were not tribes at all; they were simply rancherias or villages. But these were not all of the same rank. In some cases there was a head or ruling village with several subordinate villages, and a definite tract of land that belonged to it; a number of such rancherias constitute a tribe. In those days the names of most of the tribes and most of the villages were unknown.

Mr. LETTS. Is it possible now to determine who would be the recipients of this bounty?

Mr. MERRIAM. The Indians of the whole State are entitled to compensation, but under the Raker bill only those of the 18 treaty tribes would benefit.

Mr. LETTS. The way it is written, would it be possible to pick out the Indian that is to benefit?

Mr. MERRIAM. Under the 18 treaties?

Mr. LETTS. Yes.

Mr. MERRIAM. Yes; we know the locations of most of the places; most of them are villages, but besides these, a number of real tribal names are given.

Mr. LETTS. There would be no difficulty in administering this measure if it went through as it is drawn?

Mr. MERRIAM. Except the difficulty of proving in each case that the Indian in question had descended from a particular village mentioned in the treaty.

Mr. LETTS. How difficult would that be?

Mr. MERRIAM. It would vary according to the rancheria. It would be easy in some cases, very difficult in others.

Mr. LETTS. Under this bill, who can sue?

Mr. MERRIAM. Only members of the tribes and rancherias who signed the 18 treaties.

Mr. LETTS. As individuals?

Mr. COLLETT. There is an error there and I would like to correct it now. The bill very expressly says that all claims of whatsoever nature that any tribe or band of Indians of California may have against the United States by reason of so-and-so may be presented to the United States Supreme Court.

Mr. MERRIAM. Not by reason "of so-and-so," but "by reason of those certain 18 treaties."

Mr. COLLETT. Yes.

Mr. MERRIAM. That seems to tie the hoped-for benefits to the 18-treaty tribes; recovery is limited to the tribes signing the 18 treaties.

Mr. LETTS. No; every Indian or band of Indians could have a claim within the purview of this act.

Mr. COLLETT. Any band or tribe of Indians in California could?

Mr. LETTS. If they had a claim; but they could not have a claim under this act, because this act is limited to the 18 treaties.

Mr. MERRIAM. I did not suppose that open to question.

Mr. LETTS. I do not think that can be doubted.

Mr. COLLETT. At the time this bill was drawn, expert lawyers examined that particular feature; Judge Raker, Mr. Lea, and outside men were asked as to that one feature.

Mr. LETTS. The situation would be this: An Indian or a band of Indians, or tribe, would come in and sue, and they would have to prove that they had some rights growing out of those 18 treaties, and necessarily all others would be excluded from any participation in the fund that would be set up.

Mr. MERRIAM. I did not suppose there could be any other interpretation.

Mr. LETTS. Do you understand it otherwise?

Mr. LEA. I think that the right must come out of the 18 treaties. This is sufficiently broad to bring in all who have any concern under those treaties.

Mr. LETTS. That would mean that only approximately one-half of the Indians of California would benefit by this procedure.

Mr. MERRIAM. At that time (1851-52) considerable less than half the tribes in California were known. No white man knew them all. The early agents of the Indian Office knew only a part of them.

Mr. LETTS. I understand those treaties were signed by about 400 chiefs and head men.

Mr. MERRIAM. They were signed by that many Indians.

Mr. LETTS. How many tribes did they represent?

Mr. MERRIAM. I have not looked that up. I can do that and get the number very closely.

Mr. LETTS. I think that would be valuable for us to know.

Mr. LEA. There is a statement in the record that it represents 150 tribes.

Mr. MERRIAM. That statement is incorrect. The number of so-called "tribes" mentioned in the treaties is not 150, but 126, and more than half of these are not tribes, but villages.

Mr. LETTS. Does this include half the California Indians?

Mr. MERRIAM. The treaties mention less than half the tribes of the State—only those that white men had come in contact with. And no one knows to-day what names in those 18 treaties are tribes and what are rancherias.

Mr. LETTS. Let me suggest that you prepare a little extension of your remarks that can be handled to us for the printed record.

Mr. MERRIAM. I will be glad to do that.

The number of so-called tribes mentioned in the 18 treaties is 126. More than half of these are villages, leaving about 56 as actual tribes. The total number of tribes in California is approximately 225. The number of tribes not given in the treaties and not known to the Indian Commissioners of 1851-1852 is about 175.

As I understand the two bills, the Raker bill permits the descendants of the 18 treaty groups—but not any other Indians in the State—to enter suit in the Court of Claims; and if the suit is won, proof of descent from one of the treaty tribes is required before any Indian can benefit.

Mr. LETTS. From your experience how much of a burden will that put on them individually?

Mr. MERRIAM. It will be difficult to prove descent, owing to the non-existence of the old people who knew the facts. A number of Indians whose names appear in the treaties are not known to the oldest men of the tribes to-day.

Mr. LETTS. Do the Indians there keep any records?

Mr. MERRIAM. None whatever. This is what the old men tell me in regard to those names (for I have been over the names signed to those treaties with a considerable number of the tribes to see whom they recognized; they recognized very few). The old men tell me that in certain cases the names in the treaties are not names of head men or chiefs. The Indians were suspicious, they had been so often deceived, especially during the early mining days when by false pretenses they were trapped and butchered—invited to a peace meeting for a friendly talk and a "big feed" and then treacherously massacred. That has happened again and again. There had been massacres of Indians on Clear Lake, on Sacramento, McCloud, Trinity, and Klamath Rivers, in Hay Fork Valley and in other parts of the State. The Indians had become suspicious and would not send their chiefs and head men but sent ordinary men, so if they were killed, it would not make so much difference to the tribe. This explains the circumstance that so large a proportion of the signers of the 18 treaties are unknown to even the old men of the tribes. The old men say, "We did not know and our neighbors did not know any such men; they must have been common ordinary men, although there were some chiefs, some important men, among them."

Mr. LEA. I will call your attention to the fact that the word, "bands," is used here.

Mr. MERRIAM. The term band usually means the people of a village.

Mr. LEA. A different term than tribe?

Mr. MERRIAM. Yes; it is a similar term but indicates a smaller unit. Thus a village or rancheria is usually the home of a stated band, while a tribe usually consists of a number of bands.

Mr. LEA. In section 6, it reads:

For the purpose of this act the tribes or bands of Indians of California shall be construed to mean those Indians residing in California at the time of their alleged deprivation of their lands and their descendants.

What does that mean?

Mr. MERRIAM. It means that the Indians referred to in the bill must have been residents of California "at the time of the alleged deprivation of their lands."

Mr. LEA. Does that restrict, other than suggested a few moments ago, Indians coming in from outside the borders?

Mr. MERRIAM. Not to any extent, because the number of Indians from outside the State is small—almost negligible. There are many more cases where Indians of one tribe have married into other tribes within the State. In a number of California tribes so few Indians are left that it is impossible for a man to marry a woman of his own tribe, and when he marries, the practice in most tribes is that he goes with the woman wherever she lives, for as a rule the mother right prevails. Often a man and wife can not speak the same language; we find cases of that sort all over California to-day, plenty of them.

Mr. LEA. For an Indian to establish his right under this act it might be very difficult for him to show from just what band or tribe he originated.

Mr. MERRIAM. They always know, and, as a rule, the mother's line is the determining factor. There is no question as to one's mother, but often a question as to the father.

Mr. LEA. Would the mother's line determine the band or tribe?

Mr. MERRIAM. Yes.

Mr. LEA. Not the father?

Mr. MERRIAM. Sometimes; but in most tribes the mother.

Mr. LEA. By custom?

Mr. MERRIAM. By the law and practice of most primitive peoples. In California a surprisingly large number of men do not know their father's language, but all know the mother's language because they have been brought up by the mother. They all speak the mother's language.

Mr. LEA. How many different languages do you have an idea were spoken among the tribes that were represented by the signatures to those 18 treaties?

Mr. MERRIAM. That can be figured up. There were in California at least 25 stock languages that differ from one another as much as English from Spanish; and there are to-day in California, approximately, 150 dialects differing from one another about as much, we may say, as English from German. If you know a language, you may understand many words of a neighboring dialect, but the majority you will not know.

As a rule, Indians exaggerate the differences in their dialects, but in some cases they minimize them. Sometimes an Indian has lived so long on the border land between two tribes that he uses both languages freely; he may tell you they are essentially the same when they are totally different. This has happened to me several times—the last time only a few months ago. Then there are borrowed words. An Indian hears a strange word that pleases his ear. He finds out what it means and adopts it. Then others pick it up, and it is soon incorporated in the language. In a few years the people forget that it is a borrowed word. The same is true in our language.

Mr. LETTS. How many of these languages do you understand?

Mr. MERRIAM. I do not understand any of them well, and only a few at all. I used to learn enough nouns or names of objects to speak about 250 words, but never knew the verbs, which are very difficult and irregular. The Indians would be amazed, thinking I could speak their language. I never could really speak any Indian language, for I never knew the verbs, but by using Indian nouns with English verbs the Indians were completely deceived and thought I knew vastly more than I ever did know. At one time I did know enough to make myself understood in about ten of the languages. Many of the dialects are much alike, others are very different.

Among the 12 tribes of Pit River Indians, ten speak essentially the same dialect, while two speak entirely different dialects of a remotely related language.

Mr. LEA. Your judgment would be that if the relief granted by this bill should be confined to the 18 treaties, the beneficiaries of it should be all the Indians of California at that time, or the descendants of all the Indians at that time?

Mr. MERRIAM. I would ignore the 18 treaties. We are morally responsible for the great wrong done the Indians of California. In the case of the plains Indians, the Blackfeet, Sioux, and other tribes who resisted our encroachment, our Government made war upon them and conquered them; nevertheless our Government conceded indebtedness and paid them in one way or another, sometimes millions of dollars; but in California we went in and confiscated the Indian's country and murdered multitudes of them; we did not make actual war against them because they were unwarlike Indians and did not know how to fight, and yet we have paid them nothing for the lands we took and from which our people have profited by hundreds of millions of dollars.

Mr. LEA. Omitting the matter of the past, notwithstanding whether we go any further than the 18 treaties, as to the extent of the relief, whether we do or not, is it your judgment that the descendants of all Indians in California should be included?

Mr. MERRIAM. Yes, obviously all should be included. Under the 18 treaties many would be left out, but in simple justice all should be included because the lands of all were taken from them.

Mr. LEA. Should we not go further and say for the benefit of all Indians now in the State, because we have the same obligation toward one Indian as another?

Mr. MERRIAM. If an Indian was not a native of California, he would not have suffered from the confiscation of California lands. There are many Indians who drift about, largely for the reason I have mentioned, that a man might not be able to find a woman of his own tribe, and would go to another tribe, marry, and live with that tribe. This is one of the causes of mistakes in published records for the reason that white people usually assume that all Indians found at a particular village belong there and speak its language. But the person interviewed may belong to a foreign tribe and may not know the language of the tribe with which he is living. If, however, he will give you even 10 words of his language, you will have the key. I encounter cases of that kind every year.

Mr. LEA. The migration or movement of the Indians has been mostly in the last 30 years—within State lines?

Mr. MERRIAM. I do not think the State line amounts to anything. There were, in my judgment, many more movements of Indians, both as individuals and as rancheria bands, during the Spanish possession and the first dozen years of the American occupancy than during the past 50 or even 75 years. These movements were the result of atrocities perpetrated, first, by the Spaniards, and later, by the Americans, in the course of which many hundreds of Indians—sometimes whole rancherias—were destroyed or forced to flee for their lives. During the Spanish occupancy thousands of Indians were needed to build and work in the Missions and to attend the ever-increasing herds, while in the early days of the American occupancy many of the gold seekers went to the rancherias for women and, if resisted, killed the men, burned the houses, and carried off the objects of their visit.

One of the more sensational of the numerous butcheries of Indians by the Spaniards in mission days took place on the lower part of Stanislaus River, and was thus described by one of the perpetrators, José Maria Amador, second lieutenant of the expedition:

We took the hostile Indians, who numbered 200, including the Gentile and Christian fugitives, by pretending that our Indian aides would buy all their arrows, even though it left them without a shirt. The purchase was concluded. We invited the Gentile and Christian Indians to come and eat pinole and dried meat. They all come over to our side of the river. Then when they were on our shore we surrounded them by the troops, citizens, and Indian aides, and took them all prisoners. * * * We separated 100 Christians from the prisoners, and at each half mile or mile these were forced on their knees in prayer and were made to understand they were going to die.

Each one of them received four arrows, two in front and two in each shoulder. Those who were not killed by this process were killed with lances. The lieutenant did not want to make these executions, because he had no courage, but I answered that if I were to put it up to my father he would do the same. On the way the 100 Christians were killed in the manner already explained. We reached the camp where we were going to stop with the 100 Gentile prisoners. * * * The lieutenant told me to decide what was best to do. I answered him that this would be to shoot the prisoners, first Christianizing them—letting them know they were going to be shot and asking them if they wanted to become Christians. I ordered Nazario Galindo to take one bottle of water and I took another. He began an one end of the line and I at the other. We baptized all the Indians and then we shot them through the shoulder. Seventy of them fell at one shot. I doubled the charge for the 30 that remained, and they all fell.

Another case is that of the burning alive of about 70 Indians—men, women, and children—accused of horse stealing. They had been driven into one of their temescals (sweathouses), which was set on fire. According to the officer in charge, Lieut. José Francisco Polomares:

At once there was a great blaze of fire illuminating the whole country. By the light we could see what happened inside. Men, women, and children were all in confusion, viewing with terrified eyes the progress that the devouring element made. At each moment the opening made by the flames broadened, and new and affecting scenes were presented to our sight. From moment to moment the most terrible cries and shrieks of pain were heard. We believed that the Indians, forced by the fire, would come out finally. But we were mistaken, for soon we saw the temescal burning on all sides. * * * Finally the roof fell in with a great noise. * * * We returned to the pueblo without having fired a single shot or taking our guns from their places, and full of admiration for the gentiles [unconverted Indians] who preferred death by fire rather than to surrender to their enemies.

At another time the same officer, Palomares, set out to punish Indians who had robbed his poultry yard. He and his soldiers surprised them, six in number, at breakfast and killed four, taking the other two as prisoners. Of these he remarks:

I commanded my companions to tie them hand and foot and stretch them out face up. They did so.

Of one of his victims he continues:

I dug out his eyes with the point of my dagger and then ordered that he be set free in that desolate mountain.

What he did to the other is too revolting to describe.

The foregoing illustrations reveal the attitude of the Spaniards during the balmy mission days. But let us not deceive ourselves as to the happenings under the American rule that followed, for some of the many atrocities and massacres subsequent to the Ameri-

can possession were hardly less frightful. In May, 1850, a United States Army officer, Capt. N. Lyon, marched his troops to Clear Lake, where they drove the Indians to an island and butchered "no less than 60," and believed they had killed a much larger number. Whetted by this exploit, he crossed the Miyakma Mountains to Russian River, where "on an island formed by a slough from Russian River" his men surrounded a rancheria of unarmed Yokiah Indians who came out to look at the strange white men. When at close range, the captain ordered his men to fire. In his official report to the War Department he remarks of the Indians:

As they could not escape, the island soon became a perfect slaughter pen. * * * The number killed I confidently report at not less than 75, and I have little doubt it extended to nearly double that number.

The Indians tell me that 126 were killed.

There were many other massacres by the Americans but it would be going too far to mention the horrors of those perpetrated on Indian Island in Humboldt Bay, on Trinity, Klamath, McCloud, and Sacramento Rivers, on Tule Lake, and in Scott Valley, or the persistent hunting of Indians in and adjacent to Round Valley in 1859 as recorded in a report of a committee of the California Legislature published in 1860.

On April 16, 1859, a California newspaper (the Marysville Weekly Express) mentions that men were hired to hunt Indians, being paid "so much for each scalp or some other satisfactory evidence that they had been killed. The money has been made up by subscription."

The Commissioner of Indian Affairs in his report for the year 1862 states:

The condition of the Indians of California is one of peculiar hardship, and I know of no people who have more righteous claims upon the justice and liberality of the American people. Owing to the discovery of its mines, the fertility of its soil, and the salubrity of its climate, that State within a few years past became the recipient of a tide of emigration almost unexampled in history. Down to the time of the commencement of this emigration nature supplied all the wants of the Indians in profusion. They lived in the midst of the greatest abundance, and were free, contented, and happy. The emigration began, and every part of the State was overrun, as it were, in a day. All, or nearly all, of the fertile valleys were seized; the mountain gulches and ravines were filled with miners; and without the slightest recognition of the Indians' rights, they were dispossessed of their homes, their hunting grounds, their fisheries, and, to a great extent, of the productions of the earth.

A comparison of the two bills before your committee shows: First, that the Raker bill provides only for the 18 treaty Indians, and requires proof of descent from the 18 treaty tribes; it postpones possible benefits for an indefinite number of years pending the settlement of a suit in the Court of Claims; it is silent as to how the Indians are to benefit in case of the winning of the suit; and it fails to provide for the administration of the fund, requiring supplemental legislation.

The Kahn bill starts out by admitting the great wrong done the Indians; it proposes to settle now, once for all; it is constructive and provides immediate relief of present pitiful conditions by placing the Indians in sanitary, livable conditions in decent homes, and on a stable self-supporting basis in agriculture or other occupation where they may have a chance to become actual citizens.

These appear to me to be the salient features of the two bills. One looks to the future; the other affords immediate relief. Both admit the grievous wrongs done the Indians. The Kahn bill provides for the creation of a commission to finally settle the whole matter. The Raker bill leaves the future in abeyance.

Mr. LETTS. Do you prefer one bill to the other?

Mr. MERRIAM. I prefer the Kahn bill, believing it to be by far the better of the two. Before the Kahn bill was drawn I supported the Raker bill, on the ground that it was the best available—the only one then available—the only hope of relief for any of the California Indians. But I could never understand why a relief measure should be limited to the signers of the 18 treaties, instead of providing for all the tribes of the State.

Mr. LETTS. Does Mrs. Kahn limit her bill in that way?

Mr. MERRIAM. No, the Kahn bill has no limitations at all. It provides for the relief of all the Indians of the State of California.

Mr. COLLETT. How does it establish the Indians of the State as to who would be entitled to share?

Mr. MERRIAM. It aims to help every Indian of the State. It aims to place a fund in the hands of an unsalaried commission, holding appointment from the Government and the State of California, to provide homes and agricultural lands for Indians. You know the dreadful hovels, shacks, and wickiups many Indians live in at present, and you know how rapidly they are dying off. Whole tribes have gone since I began work in the State. I have a number of photographs of the kind of homes they are forced to live in now, and also of a number of Indians suffering from trachoma. In northeastern California, the Indian Office superintendent in charge of Fort Bidwell, Mr. Gray, told me when I commented on the great number of trachoma cases, that 50 per cent of his Indians have trachoma. I said I thought the Indian Office had a competent oculist there to treat trachoma. He replied that one is sent there every two years for a period of two months. Between times there is no treatment at all. The disease is contagious and the school children acquire it. While at Fort Bidwell I took a photograph of a group of Piute Indians gathered at my car, without any thought of selecting trachoma cases, but six out of eight had trachoma, and two of these were stone blind.

Mr. EVANS. The Kahn bill carries prospectively an appropriation of approximately \$50,000,000.

Mr. MERRIAM. Yes; that is before any deductions are made for offset charges.

Mr. EVANS. It seems to be that such a bill will instantly stagger the Congress. I speak only individually. I see no prospect of passing any bill carrying any such appropriation. If that could not be done, then what would you suggest, if you can not put through the Kahn bill?

Mr. MERRIAM. I would suggest, and have already suggested, that the bill be so amended that the words "the same is hereby appropriated" (p. 5, line 7) be changed to read "the same is hereby authorized to be appropriated," and that the appropriation be spread over a number of years, 10 years or more, at the discretion

of Congress, and that enough of an appropriation be authorized to make a start, giving the remaining Indians a chance to live under decent conditions.

Mr. EVANS. I am doubtful if the authorization of appropriations would help you any. Congress has the power to do it as well as to make authorization.

Mr. MERRIAM. If the money were to be made available in small amounts each year I thought there would be less objection. The amount in the bill was arrived at by simply multiplying the number of acres by the assumed value of 50 cents an acre. If the sum is too large Congress could, of course, reduce the valuation per acre to 25 or even 10 cents. We put it at 50 cents, a very low estimate. I tried to arrive at a demonstrable valuation for the year 1852 from historical evidence and records of sales of land, but there were few sales in remote parts of the State, and sales of \$5 per acre up were limited to the neighborhood of San Francisco Bay and Los Angeles, where, even at that time, the land was very valuable. There are statements in the histories to the effect that on the announcement of the American occupation land values doubled.

Mr. LETTS. Whereabouts do the California Indians live?

Mr. MERRIAM. They live scattered over many parts of the State: the so-called Mission tribes in the western part of southern California; the Yuma, Mohave, and Chemewave along the Colorado River; the Monache in Owens Valley; the Panamints in the Death Valley region; the Northern Piute and Washoo along the eastern edge of the State; the Pit River tribes and Modocs in northeastern California; the Midoo, Mewuk, and Yokut tribes along the west flank of the Sierra; the Wintoon tribes in and west of Sacramento Valley; the Athapaskan, Poliklan, Karok, Shastan, Soolaheluk, and Chimareko tribes in northern and northwestern California; the Pomoan and Yukean tribes farther south (reaching from northern Mendocino County nearly to San Francisco Bay); the Olhonian, Ennesen, Esselen, and Chumash tribes between San Francisco Bay and Santa Barbara. Most of the tribes hunted and gathered acorns and berries in the mountains and had their settlements in the lower country.

In the coast ranges there were many tribes and hundreds of rancherias. On Klamath River there lived three tribes speaking widely different languages and having a surprising number of villages. Some years ago one of my daughters and I rode on horseback through the rugged canyons of Klamath River and located the old village sites, and later verified their names and locations by the old Indians. To sum up: The Shaste Tribe had 137 villages (75 on Klamath River, 28 in Shasta and Yreka Valleys, 34 in Scott Valley); the Konomeho and Kahootineruk 24; the Karok 93; the Polikla 55—in all, 309 villages.

As an illustration of the memory of Indians you may be interested to know that many years ago I asked an old Shaste chief, known as Shaste or Moffit Creek Jake, to tell me the names and locations of the villages of his tribe. This he did, and I wrote them down on a large scale map of the region. There were 134. Several years later I visited another old chief, locally known as Bogus Tom

Smith, at his home in Klamath Canyon near Shovel Creek, and asked him the same question. He promptly sat down and gave me the names and positions of 135 villages. On returning to my California home and comparing the lists and maps I found that each had given me two villages overlooked by the other and that 134 were the same in both. An exactly similar experience was had with the Karok Indians, who in 1918 gave me the names and sites of their 93 villages in Klamath Canyon. Comparing these with a map on which I had platted the villages as given me by another member of the tribe, I found that they agreed exactly. The principal food of these tribes consisted of acorn mush, fresh and dried salmon and eels, quails, rabbits, and deer, supplemented according to season by native berries, nuts, roots, and greens.

The number of village sites now known for the whole State amounts to several thousand, indicating that the population was very much larger than ordinarily supposed.

Mr. LETTS. Have you any other suggestions with respect to these bills?

Mr. MERRIAM. No; not more than already stated, except to add that, in my judgment, the Kahn bill, with certain modifications that may be made hereafter, should prove helpful to all the Indians of the State, and would go a long way toward assuring the Indians that the Government accepts the moral obligation to try to atone, so far as practicable at this time, for the wrong done them in the past.

Mr. LETTS. We appreciate your statement very much. Without objection Doctor Merriam's analysis of the tribal and band names in the 18 treaties of 1851 and 1852 will be incorporated in the record at this point.

WASHINGTON, D. C., May 13, 1926.

HON. F. DICKINSON LETTS,
Chairman Subcommittee on Indian Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. LETTS: In compliance with your request I have made a rather careful examination of the so-called tribal names enumerated in the 18 California treaties of 1851 and 1852, published by the Senate in January, 1905. (32d Cong., 1st sess.)

The total number of the alleged tribes listed in the 18 treaties appears to be 126. Half a dozen of these are unidentifiable. Of the others, some are duplicated under different spellings, in some cases with different initial letters (resulting probably from illegible handwriting).

And a surprisingly large number are not tribal names at all but names of rancherias or villages. Thus, in the treaty of Camp Colus, September 9, 1851, the following are enumerated as tribes: Colus, Willays, Co-ha-na, Tat-nah, Cha, Doc-duc, Cham-net-co, Toc-de. Of these 8 names 6 are villages (Co-ha-na, Tat-nah, Cha, Doc-duc, Toc-de, and Cham-net-co), leaving only 2 as tribes.

Another example is the treaty of October 6, 1851, with the Upper Klamath, Shasta, and Scott River Indians, of which six tribes or bands are mentioned, as follows: O-de-i-lah, I-ka-ruck, Ko-se-tah, I-da-kar-i-waka-ha, Wet-sa-he-wa, and E-eh. One of these, I-da-kar-i-waka-ha, was a small band named for a local chief, while two I-ka-ruck at Hamburg, and Ko-se-tah at Yreka, were named for the locality—and so on. Not one has any tribal significance, all being Shaste.

It appears, therefore, that the great majority of so-called tribes enumerated in the 18 treaties are nothing more than local bands or villages—not more than 56 of the 126 being tribes.

On the other hand, in checking the treaty names against the names of the known California tribes it appears that more than 175 tribes are not included in the 18 treaties.

In other words, it is obvious that the treaty commissioners, in attempting to list the tribes of California, not only included a large number of villages, but—and this is far more important—mentioned less than a third of the actual tribes of the State. This, as I stated before your committee, is what would be expected, for not one in three of the California tribes were known to the Americans or Spanish-Mexicans in 1851.

The Raker bill, therefore, specifically limits its benefits to one-third of the tribes of the State, leaving two-thirds unprovided for.

And in the event of a decision in favor of the Indians, each and every individual must prove descent from one of the 18 treaty tribes—in many cases an extremely difficult procedure.

And finally, the Raker bill is silent as to how any Indians are to benefit if the suit is won, the bill failing to provide for administration of the fund.

The Kahn bill, on the other hand, irrespective of the amount finally appropriated, provides for immediate relief from present pitiful conditions. Moreover, the Kahn bill is constructive, outlining a definite policy under an unsalaried commission (to be appointed by the Federal Government and the Governor of California) with authority to begin at once by (when necessary) purchasing land, providing convenient water supplies—one of the most fundamental requirements of civilization—and in other ways assisting Indians in building sanitary homes and in establishing themselves on a stable self-supporting basis in agriculture or other industry so that they may become actual and self-respecting citizens.

Very truly yours,

C. HART MERRIAM.

STATEMENT BY FREDERICK G. COLLETT

The question raised by Dr. C. Hart Merriam as to whether or not Indian tribes of California who may not have been parties to the negotiation of the 18 treaties made in 1851 and 1852 could share as beneficiaries in any amount that might be recovered under the present provisions of H. R. 8036, is not a legitimate argument against that bill in favor of a counterproposal. It was the intention of those who wrote a like bill for the Sixty-sixth Congress and in rewriting it for each subsequent Congress that all California Indian tribes were beneficiaries thereunder. If amendments proposed by Congressman Lea are accepted, there can be no doubt but that the language employed provides that all tribes of Indians of California may be parties to the suit and may also be beneficiaries in any amount that may be won. It should be noted that the question raised by Doctor Merriam as to how many tribes could share as beneficiaries does not in any substantial way apply as to the number of beneficiaries—merely as to the tribes represented in the 18 treaties, and those that may have been overlooked by the commission that negotiated the treaties.

Congress made provision in the Indian appropriation act of September 28 and 30, 1850 (9th Stat. 519, 532) for the negotiation of treaties with the Indians of California. It is evident that it was the intention of Congress to negotiate treaties with all tribes and bands of Indians of California. From the minutes and correspondence of the members of that commission, it is evident that it was their belief that they had in the 18 treaties included all tribes of Indians of California. If there were any tribes overlooked by the commission it was because those tribes were small and inaccessible and therefore not known to the commissioners.

In view of the destitute condition of the Indians of California, the justice of their claims and the unusually favorable administrative and congressional action with reference to their bill, we expect your committee, with such amendments as may be necessary, to safeguard the interest of all parties concerned, to report favorably upon H. R. 8036. For your ready reference as to the favorable history of this bill, we submit the following excerpts:

First. That the late Secretary of the Interior, Franklin K. Lane, under date of February 9, 1920, reported to the Senate on a similar jurisdictional bill, in part as follows:

"As these bands or tribes of Indians in California have, prima facie, a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration."

That the Acting Secretary of the Interior, Alexander T. Vogelsang, a few days later, under date of March 9, 1920, in the report to the chairman of the House Committee on Indian Affairs, said in part:

"As these Indians believe they have a meritorious claim against the United States, and the said bill properly protects their interests and the interests of the Government as well, I recommend that it receive your favorable consideration."

Second. That the Senate and House Committee on Indians Affairs, following Secretary Lane's recommendation, unanimously reported to the Congress in part as follows:

"These Indians have long been pleading for an adjustment of their claims, and for reimbursement for the lands which were formerly occupied by them. Your committee therefore believes that they should have their cause fully and judiciously heard by the Court of Claims."

"We therefore believe that H. R. 12788 gets at the California Indian problem in a very fundamental and practical manner, and that it also gives the best assurance possible for a satisfactory and final and early settlement of the California Indian question. Further, this proposed legislation, if enacted, would in no way go to the question of California land titles or disturb existing property rights." (Rept. No. 840.)

Third. That the present Secretary of the Interior, the Hon. Hubert Work, under date of February 10, 1925, said in part:

"As these Indians have for many years sought a judicial determination of their claims for lands alleged to have been taken from them without compensation, and the bill properly protects the interests of the United States as well as of the Indians, recommendation is made that it receive your favorable consideration. Bills were introduced in previous sessions of Congress for a similar purpose, and extensive hearings were had before a subcommittee of the Committee on Indian Affairs, House of Representatives. These hearings, which have been printed under the title of 'Indian Tribes of California,' are dated March 23, 1920, and April 28 and 29, and contain a very full and complete history of the entire matter."

Fourth. That both congressional Committees on Indian Affairs, pursuant to the Secretary's report, reported to the Congress under date of February 12, 1925, in part as follows:

"Your committee has carefully investigated the claims of these Indians and are convinced that they have shown sufficient proof to grant them the right to have their day in court. This measure protects the Government in all of these claims and allow any and all set-offs which can be shown to have been given to these Indians. Your committee unanimously recommends the enactment of this bill."

Fifth. That the bill passed both Houses of Congress on its Unanimous Consent Calendar.

Sixth. That there has never been, nor is there in the report of the Secretary of the Interior, under date of April 13, 1926, any denial that the claims of the Indians of California possess merit. On the contrary, their claims are regarded meritorious.

In his suggestion that these claims be not submitted to the Court of Claims, the Secretary says: "It would be easy to compute the amount that would be due, as there is little question as to the acreage involved." By this you will see that the Secretary of the Interior takes the California Indian claims out of the class of those of which it has been complained involved expensive and difficult litigation. There should be no delay nor unnecessary expense by giving the Court of Claims jurisdiction. Furthermore, it is a well-recognized fact that the Court of Claims is not a constitutional court, but a court especially created by the Congress and is just as much an agent of the Congress as any of its committees.

It has been shown that the United States Treasury has received from California on account of grazing in national forests, royalties from naval reserves and public lands, fees from the National Park Service from the sale of public lands and merchantable timber, \$62,477,189.50.

It has also been shown that these receipts are only a part of the amount actually received by the United States Treasury, and that at the Government's price for land and the amount that it is now receiving for the sale of timber, it has in its possession salable lands and timber, \$508,542,652.50.

RESERVATION COURTS OF INDIAN OFFENSES

Statement of C. Hart Merriam, Feb. 13, 1926

pp 6-18.

HEARINGS

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS HOUSE OF REPRESENTATIVES

SIXTY-NINTH CONGRESS

FIRST SESSION

ON

H. R. 7826

FEBRUARY 13 TO MAY 20, 1926



WASHINGTON
GOVERNMENT PRINTING OFFICE

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1926

COMMITTEE ON INDIAN AFFAIRS

HOUSE OF REPRESENTATIVES

SIXTY-NINTH CONGRESS, FIRST SESSION

SCOTT LEAVITT, Montana, *Chairman*

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GEORGE F. BRUMM, Pennsylvania.
GRANT M. HUDSON, Michigan.
GALE H. STALKER, New York.
HAROLD KNUTSON, Minnesota.
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SAM B. HILL, Washington.
JOHN MORROW, New Mexico.
CHAUNCEY B. LITTLE, Kansas.

WILLIAM O. HART, *Clerk*

11

RESERVATION COURTS OF INDIAN OFFENSES

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INDIAN AFFAIRS,
Saturday, February 13, 1926.

The committee met at 10 o'clock a. m., Hon. Scott Leavitt (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Mr. BRUMM. Mr. Chairman, your subcommittee, consisting of Messrs. Morrow, Brigham, and myself, appointed to report upon H. R. 7826, had a session last Saturday morning. At that meeting there were a number of persons appeared who were interested in this bill, and it very early became evident that the opposition was assuming proportions so that the subcommittee felt it was not fair either to the committee or to the objectors to the bill for us to confine the hearings to a committee of three. We thought it would be only proper that a matter of this importance should be discussed before the full committee, therefore we have reported it back with that idea in mind, and with no recommendation.

The CHAIRMAN. In accordance with the report from the subcommittee it was agreed at the regular meeting of the committee last Thursday that the hearings should be continued before the whole committee.

So we have before us this morning H. R. 7826, which I will read, as follows:

[H. R. 7826, Sixty-ninth Congress, first session]

A BILL To extend the civil and criminal laws of the United States to Indians, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the civil and criminal laws of the United States shall apply to Indians, and the United States district and circuit courts shall have jurisdiction of crimes and misdemeanors or other violations of Federal statutes committed within Indian reservations by or against Indians.

SEC. 2. The reservation courts of Indian offenses shall have jurisdiction, under rules and regulations prescribed by the Secretary of the Interior, over offenses committed by Indians on Indian reservations, for which no punishment is provided by Federal law: *Provided*, That any one sentence of said courts shall not exceed six months' imprisonment or labor or a fine of \$100 or both.

SEC. 3. The term "Indian reservations" shall be construed to include Federal reservations for Indians created by treaty, agreement, act of Congress, or Executive order; and shall include individual Indian trust allotments during the trust period; restricted fee allotments during the period the restrictions against alienation are in force; and Indian reservations opened for settlement and sale for the benefit of Indians while title thereto is in the Indians, or in the United States in trust for Indians.

SEC. 4. Indian custom marriage and divorce are hereby abolished from and after one year from the date of the approval of this act and thereafter Indians

shall comply with the marriage and divorce laws of the State within which they reside: *Provided*, That Indian custom marriage and divorces between Indian wards living on Indian reservations actually consummated in good faith prior to the date this section goes into effect shall be recognized as valid: *Provided further*, That the children of Indians who attempt to marry by Indian custom after this section becomes operative shall, for all purposes, be taken and deemed to be the legitimate offspring of their respective parents; but the father of such children shall not inherit any of their trust property unless there shall be no other heirs, lineal or collateral: *Provided further*, That the Secretary of the Interior, in his discretion, is hereby authorized to make such provision for the care and maintenance of the mother of such children out of any trust property, real or personal, belonging to or inherited by the father of such children, by sale, lease, or other disposition, as in his judgment may be advisable.

SEC. 5. Superintendents or other officers in charge of Indian reservations or schools, when authorized by the proper State officers, may issue marriage licenses to Indians residing under their jurisdiction.

SEC. 6. Any Indian who knowingly violates section 4 of this act, upon conviction, shall be fined not more than \$200 or imprisoned for not more than one year or by fine and imprisonment in the discretion of the Federal court.

SEC. 7. While living on Indian reservations, Indians shall be subject to the jurisdiction of the United States district and circuit courts and the reservation court of Indian offenses: *Provided*, That this act shall not apply to the New York Indians, the Osage Indians, or the Five Civilized Tribes.

This bill came before the committee with a letter from the Secretary of the Interior and was introduced by me, as chairman of the Committee on Indian Affairs, as a departmental bill.

I make that statement not as an argument either for or against the bill but simply to make it clear in the record that, while my name appears as the one who introduced the bill, I am doing so only because it is a bill which has come from the department, and will be just as open minded with regard to its provisions as any other member of the committee.

(The letter from the Secretary of the Interior, transmitting the bill, reads as follows:)

THE SECRETARY OF THE INTERIOR,
Washington, January 15, 1926.

HON. SCOTT LEAVITT,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. LEAVITT: There is inclosed herein a draft of a bill which has for its object the enactment of a law which will enable the department to maintain law and order among Indians on Indian reservations.

Section 2145 of the United States Revised Statutes extends the laws of the United States to Indian country, but section 2146 specifically excepts its application as to Indians committing crimes against one another and as to cases where the Indians have been punished by the local law of the tribe, etc.

Under those provisions it was found impracticable to punish the Indian in the Federal courts for the murder of another Indian, as decided by the United States Supreme Court in the case of *Ex parte Crow Dog*, 109 U. S. 556.

On March 3, 1885, Congress passed an act (now sec. 328 of the U. S. Criminal Code of 1910) providing for the punishment of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny. However, there are many other offenses which are not punishable when committed by Indians on reservations, and it is desired that the Federal laws be now specifically extended to cover offenses committed by Indians, and specifically conferring jurisdiction on the Federal district and circuit courts.

Provision is also specifically made in section 2 for the handling of offenses not mentioned in the Federal laws but which are usually made punishable in the State courts when committed by persons under the jurisdiction of the State.

Section 4 provides for the termination of the legal recognition of so-called "Indian-custom" marriage and divorce from and after one year from the date of the approval of the act. Much trouble is experienced because of the loose relationship between the sexes and the resultant difficulty in maintaining law and order and determining when Indian couples actually intend to enter into the permanent relationship of husband and wife. Much of the trouble now experienced is with those young men who have been sufficiently educated to know the customs and requirements of civilized life, but who willfully take advantage of the difficulties involved in the prosecution of them for their various acts of immorality, seduction of innocent girls, etc. Comparatively little trouble is experienced with the older Indians, and as the section does not disturb marriages entered into prior to the time the section becomes effective, no hardship will devolve upon such Indians. Further, by making that section effective one year after date of the approval of the act, ample time is given to extend notice to the Indians of the various reservations.

The other sections of the act are self-explanatory.

Very truly yours,

(Sgd.) HUBERT WORK.

I wish to read into the record, before witnesses are called, a telegram which was received under date of February 10, from Mrs. Stella M. Atwood, who earlier in the year appeared before this committee, and who, as you will recall, is chairman of the Indian Welfare Committee of the General Federation of Women's Clubs. The telegram reads as follows:

[Telegram]

RIVERSIDE, CALIF., February 10.

HON. SCOTT LEAVITT,
House Office Bldg., Washington, D. C.:

Object seriously to sections 2 and 3 in H. R. 7826 which abrogate by statute Indian right under Constitution, instead of by regulation. Women of federation will bitterly oppose any such attempt to nullify rights of Indian citizens.

STELLA M. ATWOOD.

I have also a letter from Elizabeth Shepley Sergeant, 415 East Fifty-first Street, New York City, dated February 12, which I will read, as follows:

NEW YORK CITY, February 12, 1926.

MR. SCOTT LEAVITT,
Chairman House Committee on Indian Affairs, Washington, D. C.:

DEAR SIR: May I express very strongly my opposition to H. R. 7826, especially to the clauses which have the effect of removing the authority from Indian tribal officers in matters of marriage, divorce, etc. It seems to me both unwise and unnecessary to force the tribal Indians to renounce their age-old customs and take from the tribal officers their much respected authority.

I have a small ranch in New Mexico, near Santa Fe and have intimate knowledge of the Pueblo tribes and esteem that there the ancient tribal custom works to a remarkable degree well; that marriages are stable and family ties deeply respected—quite as much so as among white men. To my understanding, the difficulties that arise among younger Indians are almost wholly derived from unwise, if well-intentioned, efforts to turn them into white men before they have assimilated white civilization and this bill seems another ill-advised move in the same direction.

I feel equally strongly that the powers given by the bill to superintendents, etc., to jail Indians are unwise, not to say dangerous, to Indian rights and liberties and will lead not to improvement but to degeneration among Indians if enacted into law.

I regret that I can not attend the hearing on Saturday.

Very truly yours,

ELIZABETH SHEPLEY SERGEANT.

Is there anyone before the committee who can give us any more detail as to who Miss Sergeant is?

Mr. JOHN COLLIER. Miss Sergeant is a writer and is one of the authorities on southwest Indian life. She is an authoress and has written a number of books and many articles on Indian life. She has lived for a good many years among the Pueblo and Navajo Indians in the Southwest.

Mr. MORROW. Is she one of the Sergeant family?

Mr. JOHN COLLIER. I do not know; she is of an old New England family; she might be one of the Sergeants.

Mr. BRUMM. Mr. Chairman, I have at least a dozen telegrams and communications along the same line which I will submit.

The CHAIRMAN. Without objection, they may be included in the record.

(Mr. Brumm submitted the following:)

[Telegram]

BERKELEY, CALIF., February 11, 1926.

HON. GEORGE F. BRUMM,
House of Representatives, Washington, D. C.:

Leavitt bill 7826, section 2, seems to give agents and their Indian appointees dangerous power to designate offenses and convict without appeal. Section 4 would work wide, needless suffering among Navajos, Pueblos, and other tribes where majority still observe custom law. Bill idealistic but too drastic; it tries dictating instead encouraging progress and would prove either unenforceable or cruel.

A. L. KROEBER,
Professor Anthropology University California.

[Telegram]

SAN FRANCISCO, CALIF., February 10, 1926.

Congressman GEORGE BRUMM,
House of Representatives, Washington, D. C.:

Wish to most strongly protest against House bill 7826. Its enactment would be both unjust and properly ineffective. The customs of a people are not to be changed by this kind of legislative enactment. We have found it unsuccessful when tried on ourselves. Would we attempt to put into the hands of irresponsible appointees dignified in the bill by the term "reservation court" the life and liberty of any other American citizen without practically any appeal?

CHARLES DE Y. ELKUS.

[Telegram]

ESPANOLA, N. MEX., February 10, 1926.

HON. GEORGE F. BRUMM,
Chairman subcommittee Indian Affairs,
House Office Building, Washington, D. C.:

Leavitt bill No. 7826 terrible for Pueblo Indians. Section 2 means persecution of Indians by local superintendents which they are already doing but this would make it worse. Section 4 bad for us we have good marriage customs only one wife, divorce almost unknown faithful to our families all this is part of our tribal organization which this bill would destroy. No time for all Pueblo council meeting, but as chairman I protest in the name of all New Mexico Pueblos.

SOTERO ORTIZ,
Permanent Chairman of the Council of all the Pueblos.

[Telegram]

CHICAGO, ILL., February 6, 1926.

HON. GEORGE F. BRUMM,
Room 293, House Office Building, Washington, D. C.

From personal knowledge of Pueblo and Navajo Indians believe bill 7826 introduced at request Indian Bureau would be completely destructive to welfare these and other Indian groups. It seeks Congressional support for the very Indian Bureau practices which have been most criticized by all who know how damaging they have been to Indian peace sobriety and morals.

JAMES W. YOUNG.

MORONGO INDIAN RESERVATION,
Riverside County, Calif., February 8, 1926.

The HON. G. F. BRUMM,
Chairman Subcommittee Indian Affairs,
House of Representatives, Washington, D. C.

DEAR SIR: We the undersigned, Indians of the Morongo Indian Reservation, Riverside County, Calif., respectfully ask your attention to the following:

In the matter of the bill H. R. 7826, introduced recently into Congress, providing that the courts of Indian offenses shall have jurisdiction to hear and determine cases of wrong doing on reservations for which no Federal law is provided, we earnestly request that this bill shall not be enacted into law. In making this request of you we give the following reasons:

First. We are quite familiar with courts of Indian offenses having only in recent years escaped from their unsatisfactory operations. In our opinion to restore courts of Indian offenses would be a long step backward, and we beg you not to subject us again to their wrongs.

Second. To preside over these courts of Indian offenses, the judges were appointed by the superintendents. In such cases the judges were merely the puppets of the superintendent, and as a result we frequently sweltered under the arbitrary rule of an unjust superintendent. Please save us from a repetition of such experiences.

Third. In other cases the judges were elected by the Indians. Were only the educated of our people to have the right to vote for judges, there would be some chance of electing intelligent Indians who have some idea of law and justice, but under existing circumstances Indian politics have all too often given us judges to whom the office meant an opportunity to punish their enemies, to make laws out of their warped ideas of right and wrong, and to fill their pockets by imposing fines, whether such fines were deserved or not.

Fourth. Since we are now citizens of the United States our hopes and our ambitions are that we be given full rights as citizens and be subject to Federal and State courts like any other citizens.

James St. Marie, Charles Colby, Walter Linton, Theodore Armijo, John Martin, Geo. Miguel, Chas. Colby, jr., Theo. Linton, W. A. Brune, Frank St. Marie, John Morongo, Florence Morongo, Annie Morongo Laws, Pasquala Armijo, Hester Linton, Mrs. G. Linton, Frances Bosley, Chas. Bosley, John Linton, Maurico Laws, Mrs. Grace Hough, Mrs. Mettie Dailey, Salvan Satachio, Joseph Miguel.

Mr. HOWARD. Mr. Chairman, I have no documentary evidence, but I desire to submit, in the name of my Omaha people, speaking through the secretary of their tribal council, their earnest protest against the provisions of this bill, generally.

The CHAIRMAN. You mean the entire bill?

Mr. HOWARD. Against the provisions of the bill, particularly with reference to the powers given to the superintendents of agencies. They do not protest so much against the interference with their marriage customs, but I want to protest very earnestly in my own name against the interference with the tribal marriage ceremony. My investigation leads me to believe that the average Indian mar-

riage ceremony under the tribal customs is more sacredly regarded than the average white man's marriage vows to-day.

The CHAIRMAN. Do you mean among the young Indians or the old Indians?

Mr. HOWARD. I mean among Indians generally.

Mr. WILLIAMSON. Under the laws of Nebraska are not the Indians held amenable to the State laws in the matter of marriage and divorce?

Mr. HOWARD. They are, but it does not affect my Indians so much.

The CHAIRMAN. Of course, in connection with the whole matter, as I understand the attitude of the department, the Indians having been given universal citizenship, the question arises as to whether they should now be set apart and be allowed to carry on entirely among themselves without complying with the general laws of the States in which they live, simply because they are Indians.

Mr. FREAR. That has been the case so far as the management of their property is concerned; there is a distinction there, and of course this is simply another distinction.

The CHAIRMAN. The position of the department, as I understand it, the change is going to be better with regard to the inheritance of property and will keep these matters straight all the way through, by having the Indians comply with the laws of the States in which they live, the same as the white people do. That is my understanding of the attitude of the department.

Mr. BRUMM. I might say that under the laws of my State, which still retains the old common law, there would be absolutely nothing incompatible as between the Indian marriage ceremony and the State laws, because we do recognize the old common laws.

Mr. WILLIAMSON. So does our State.

Mr. BRUMM. So I do not think it would cause any conflict in my State. Whether it would cause any conflict in a State where reservations are, I do not know.

Mr. HOWARD. The common law in reference to marriage is recognized in my State.

The CHAIRMAN. We have before the committee this morning Dr. C. Hart Merriam, and I would like to have Doctor Merriam make a statement at this time.

Will you state more or less in detail, Doctor, what your position now is and what it has been, and the basis of your experience?

STATEMENT OF DR. C. HART MERRIAM, RESEARCH ASSOCIATE, SMITHSONIAN INSTITUTION, WASHINGTON, D. C.

Doctor MERRIAM. My feeling is that this bill is a very unnecessary bill.

Mr. WILLIAMSON. I should like to know who this gentleman is and who he represents.

The CHAIRMAN. I requested you, Doctor Merriam, to state just what your experience and position have been, and what your position is now, and the basis of your knowledge of this question.

Doctor MERRIAM. I first came in contact with Indians 54 years ago when I was naturalist of the old Hayden Expedition in the country of the Shoshone and Bannok tribes in Idaho and Montana.

Then for several years I was not with Indians, but for the past 38 or 39 years, with the exception of 2 or 3 years, I have been associated with Indians of more than a hundred tribes in practically all of the States of the West, many of which were Territories at that time. During the last 30 or 35 years I have been intimately associated with nearly all the tribes of California and Nevada.

During the 25 years of my service as Chief of the Government Biological Survey, working in the field with a pack outfit I made it a point to camp with Indians whenever practicable, in order to obtain information from them. During all of that period I was incidentally engaged in mapping the boundaries of the tribes. I suppose it is well known to this committee that in the far West, unlike in the plains country, the tribes are not nomadic, but for hundreds of years, have had absolutely fixed boundaries, as fixed as the boundaries between our States and our various counties, so that an Indian on either side of the line will give you the exact boundaries of his tribe.

An interesting illustration of this occurred about four years ago when I brought together the chief of the Northern Piutes and the leader of the Pit River tribes. They had never seen one another before. I spread out a large scale map and asked if they could show me the boundary between their tribes. The chief of the Piutes and the leader of the other tribes put their fingers together and moved them down the map like that [indicating] and when they got to this point, they both said, "south of this point we do not know just where the line is." In all my experience with Indians I have had the same agreement with only two exceptions. They know exactly where the boundaries are and there is very rarely any attempt to grab land that does not belong to them.

Mr. HASTINGS. What is your present official position?

Doctor MERRIAM. Research associate in the Smithsonian Institution, working particularly with Indians.

Mr. HASTINGS. And you reside in Washington?

Doctor MERRIAM. I reside in Washington during the winter, and work in the field in California in summer—usually for six or seven months of the year, and have done so for many years.

From personal contact with Indians of many tribes I have observed over and over again that the usual attitude between the superintendent of a reservation and the body of the tribe is one of more or less masked hostility—the superintendent and a few Indians whom he has favored, such as the police and the local judges, being opposed to the majority of the tribe, including almost always the best men of the tribe, that is, the old leaders. I have observed also that the power which has been, as I think, unwisely, granted these superintendents and local judges is not infrequently exercised in a way to gratify a personal grudge—"to get even" with some Indian with whom bad blood has existed.

The CHAIRMAN. When you say "they" whom do you mean?

Doctor MERRIAM. I mean that in the cases that have come under my observation the best men of the tribe are as a rule opposed to the superintendents for the reason that the superintendents, while in some cases excellent men, tend to become dictatorial and sometimes unjust and tyrannical. They appoint the police and the

judges, so they are all practically one, for when the superintendent expresses his wishes they carry out his wishes. To give them power, as has been done so often, to imprison Indians for minor offenses without power of appeal, seems to me a very un-American and a very wicked procedure.

The CHAIRMAN. You mean you know of specific instances where Indians have been jailed without any hearing whatever?

Doctor MERRIAM. I am not aware that they have anything that could properly be called a hearing. They are simply jailed; the superintendent may call them before him and ask what they have to say, or something of that sort. I do not know that a case I have in mind comes under this head, but I know an old Indian in the mountain country, northeast of the Round Valley, who was arrested and imprisoned for six months and was a broken man when he came out. He was imprisoned for the alleged offense of setting a forest fire in winter in an area of manzanita brush. In that part of the State as is well known there are heavy winter rains and snows, and you can judge for yourself whether a fire set out in midwinter in the mountains of northern California is likely to do much harm. That old Indian was seized as he came out of his little barn and was not allowed to go to his own house to see his wife and change his clothes.

The CHAIRMAN. In what year did that take place?

Doctor MERRIAM. I can not cite the year exactly, but think it was about six years ago. I am not sure that it was done under the superintendent's orders.

The CHAIRMAN. It would be important to know under what authority that was done and by whom and when.

Doctor MERRIAM. This is one of a class of cases that have come under my notice repeatedly, and of which I have kept no particular account, as I was very busy in other phases of the Indian situation, particularly in anthropological studies of the various tribes, including their history, laws and languages.

Mr. BRUMM. Do you know of any instance where the Indians were convicted or sentenced to punishment for offenses which were not crimes or misdemeanors under the State laws?

Doctor MERRIAM. I could not cite such a case now, but there are plenty of them, and I think there are men here present to-day who can cite such cases. I have never kept any account of them at all, but cases of abuse of power and neglect of duty have been brought to my notice a good many times in California.

In the matter of custom marriage and divorce, we are taking up one of the most serious questions in the whole field of Indian administration. Most of you know that in tribes in which the old laws are still in force the laws and the religion of the tribe interlock in such a way that they can not be separated. They constitute the underlying foundation laws of the tribe; they have been in effect for hundreds of years and govern the actions of the people. If we destroy these laws and replace them by a set of laws which are new to the Indians—laws that are foreign to their lives, to their hereditary customs, and to their beliefs, we thereby set the Indian against our whole Government administration.

Furthermore, the Indians feel that they are persecuted. They do not understand our laws and have no respect for them. For ages they have been governed by their own laws and religion, which are one and the same thing. If we destroy these we take away the only code of law, of morality, and of order that they have, setting them adrift in a sea of unbelief and despair. They become very poor citizens.

In California I have seen notices posted on Indian cabins, put up by agents of the Indian Office or the superintendent, practically saying this, that the woman occupying this house is not married according to the laws of the United States, and is, in effect, a prostitute. I have read these notices, and my wife and daughter have read them.

Mr. FREAR. Put up by whom?

Doctor MERRIAM. By the superintendent, or by a Government agent; in this particular case probably it was the agent of the Round Valley Reservation.

Mr. FREAR. For what purpose?

Doctor MERRIAM. The purpose obviously was to force these Indians to marry under the white man's laws, and also it has been claimed, with perhaps more than a shadow of justice in certain cases, to give local justices of the peace a little side income.

I remember very well a case that happened one year when I was in Klamath River canyon, going down the canyon on horseback with my daughter before the road had been built below Happy Camp. An Indian agent came over there and notified the Indians that they must be married under the white man's laws immediately.

The CHAIRMAN. Will you state who that superintendent was, and what reservation it was, and also state the time, as near as you can?

Doctor MERRIAM. The year, I think was 1918, and the Indians notified belonged to the Karok and Shaste tribes. The superintendent doubtless came from the Hoopa Reservation.

The point is that these Indians were frightened and believed that they had to go with their husbands at once to the nearest place where a justice was located. It was a long way off and the weather was bad, but they felt that they had to go; they went and it cost them \$10 apiece.

Mr. HILL. Did they have to procure marriage licenses?

Doctor MERRIAM. I do not believe so; I think they just went to the justice and were married and gave him the \$10.

Mr. HASTINGS. How long ago did this occur?

Doctor MERRIAM. I think it was seven or eight years ago.

Mr. FREAR. By what authority was this action taken by the superintendent, or whoever was responsible for it, if there was no requirement that those Indians should be married under the white man's law?

Doctor MERRIAM. There has been such a requirement in the Indian Office for years.

Mr. FREAR. You mean the Bureau of Indian Affairs in Washington?

Doctor MERRIAM. Yes.

Mr. FREAR. For the superintendents?

Doctor MERRIAM. Yes; the superintendents and agents enforced it. I have seen lots of those notices tacked on the cabins and it has seemed to me to be one of the most insulting things that could be done.

Mr. LETTS. Was that a printed notice?

Doctor MERRIAM. I do not remember whether it was printed or typewritten; it was not written with a pen.

Mr. SPROUL. What evidence did you have that the substance of the notice was not true? Did you make any investigation in reference to that to find out whether the superintendent had posted a false notice with reference to the character of the inhabitants?

Doctor MERRIAM. It was posted on houses of Indians whom I knew personally and had known for years. I remember one case on the so-called Kahto Reservation. It was on the house of a Mrs. Martinez, a good Indian woman, at whose place we had been stopping from time to time for a number of years.

The CHAIRMAN. These places you mentioned are all in California?

Doctor MERRIAM. Yes. This woman's father is the oldest chief of the tribe; his name is Bill Ray, a well-known man in that country.

Mr. SPROUL. I wanted to ask if you knew of your own personal knowledge that there was no real warrant for posting publicly such a notice?

Doctor MERRIAM. I certainly did. I know that the woman was married after the fashion of Indians and was living with her husband. They were married according to the Indian custom and there was no occasion for branding her a prostitute, which, in effect, was what it said on the notice.

Mr. FREAR. I want to ask what warrant there is for any man putting up such a notice under any circumstances?

Doctor MERRIAM. I do not think there is any warrant; I think it is a very wicked thing to do.

Mr. FREAR. The laws ought to be enforced, of course, but this procedure is unusual.

Doctor MERRIAM. The object is to force Indians to be married according to our law.

The CHAIRMAN. That was a case of inexcusably poor judgment and assumption of authority on the part of the superintendent.

Doctor MERRIAM. If you knew of all the arbitrary things that that superintendent did, and that others have done, you could hardly believe the facts.

The CHAIRMAN. I have never lived outside of an Indian country, and I know many things have been done that are inexcusable. This particular bill which is now before us, however, has to do with the question as to whether or not the Indian custom marriages ought, after one year's notice, be discontinued, and those that already exist be allowed to stand, and whether, after one year, marriages under the States in which the Indians live should be substituted for them, or required in the future.

Doctor MERRIAM. My feeling is very strong on that point. The Indians are in a state of transition, a state of transition that is progressing very rapidly from the old Indian condition and Indian

point of view to the white man's condition and the white man's point of view. In many tribes the younger people are losing faith in the old Indian laws and religion, which, as I have said before, are practically one and the same thing, and are taking up with the white man's laws and in some cases with his religion. That is not universally true, of course, but it is true over a large part of the Indian area.

The problem is working out its own solution, and it will be only a few years before there will be no such thing as the old tribal laws. In some of the larger reservations, such as the Navaho and some of the Pueblos the old laws are likely to hold out much longer than anywhere else in the United States.

But as a natural result of the increasing contact between the young Indians and the whites, and of the schooling of the younger Indians the change is already far on the way, and it seems to me it would be most unfortunate to enact any drastic legislation that would tend to exasperate the Indians and deepen the breach between them and the whites. The whole thing will settle itself in a very few years; why increase the pressure?

Mr. HASTINGS. Have all the Indians on the California reservations been allotted?

Doctor MERRIAM. No; but a great many of them have. They are very much opposed to forced allotments, for forced allotments do all sorts of harm and all sorts of injustice. For instance, in the Palm Springs and certain other reservations in Southern California allotments were suddenly surveyed two or three years ago and the Indians were terribly excited about it. The allotments were surveyed without previous notification to the Indians and without regard to existing homes. These Indians have lived for centuries under laws of their own. They have their own council, and decisions of importance require a unanimous vote. They have allotted their own land for home purposes, where they have their houses, and in many cases a little barn also. Then they have a common grazing ground where there is water for the stock. Water is very limited in that country, as you know.

The surveys I refer to ignored the old lines and cut some of the places into impossible holdings, from the standpoint of either justice or utility. In one or two instance the actual house of one Indian was allotted to another, leaving the first Indian without a home.

Mr. HASTINGS. I was wondering if you made any distinction between Indians who have advanced far enough to have allotments made to them and those who are living on unallotted reservations, as to whether you thought that this bill should be applied to allotted Indians. I am taking it for granted that Indians to whom allotments were made were further advanced than the unallotted Indians.

Doctor MERRIAM. I think this is going a little too fast. I should not assume that they were further advanced. It is largely a matter of tribal custom as to whether people live a communal life, as some do, or an isolated family life, as others do. Most Indians, like ourselves, are social beings, and, like the majority of our own people, prefer to live in communities. Some Indians want allotments, provided they can have water and land on which they can grow anything. You know, of course, that from the standpoint of the white

man, most of the allotments are uninhabitable, having neither water nor land that can be cultivated. As a rule, water has to be carried long distances in pails.

Mr. HASTINGS. Your principal objection, then, to this bill is to the matter with reference to enforced marriages?

Doctor MERRIAM. By no means. I object to giving the superintendent and his judges the power to arrest and imprison Indians; I object to that very strongly. And I object also to enforcing marriages under white-man laws.

The CHAIRMAN. Your objection is principally to sections 2 and 3?

Doctor MERRIAM. To sections 2 and 4. The others would naturally follow.

Mr. WILLIAMSON. If you remove the authority to arrest from the superintendent, how would you enforce the law upon a reservation?

Doctor MERRIAM. The Federal law already provides for the punishment of the seven or eight principal crimes.

Mr. WILLIAMSON. But it does not provide for the punishment of any misdemeanors.

Doctor MERRIAM. Those come under the State law.

Mr. WILLIAMSON. But the State has not jurisdiction upon Indian reservations.

The CHAIRMAN. You think, on that point, that the Indian should be under the jurisdiction of the State laws, with regard to misdemeanors?

Doctor MERRIAM. I think he should be under the jurisdiction of the State law where the tribes do not have laws of their own. As a rule an Indian is punished very much more severely by his own tribal law than by the State law, and he feels the punishment much more keenly.

The CHAIRMAN. Is that the idea upon which the Indian courts and the Indian judges are constituted now?

Doctor MERRIAM. Yes; if you mean Indian courts that are constituted by the Indians, but no if you refer to those constituted by the Indian superintendent. There is all the difference in the world between them. The tribal courts are the ones I refer to as most likely to mete out justice.

I can give one or two examples, if you feel that the tribal courts can not be depended on to enforce the law.

The CHAIRMAN. I would not want to be put in the position of saying that myself. I am just asking for information.

Doctor MERRIAM. The punishment is very severe, even unto death. For instance, I recollect the case of an Indian in Nevada who committed a murder. He did not deny that he had committed the murder. He was arrested, but his own people, several hundred of them, took him; they decided that his nearest of kin must kill him, and his own brother was chosen and killed him.

The CHAIRMAN. Your argument is not that that custom should be continued?

Doctor MERRIAM. No; my aim is merely to show the power of the Indian tribal court and to show that the tribal laws themselves are enforced more severely than our laws.

I know of a case, but not of my own personal knowledge, where a Blackfoot married woman committed adultery, and it was decreed

that she should be killed in the way in which the tribal law specified, so her nearest of kin, her two brothers, stoned her to death.

Mr. SPROUL. Do you think that tribe of Indians should be permitted by this Government to continue the jurisdiction and control over the procedure of the tribe?

Doctor MERRIAM. No; that has not been done for a good many years.

Mr. SPROUL. It is an illustration.

Doctor MERRIAM. Yes; it is an illustration of the force of the old tribal laws and of the fact that they were administered without fear or favor.

Mr. SPROUL. I understand; but if such laws were in existence in the various tribes, is it your idea that they should be permitted to continue?

Doctor MERRIAM. Not such drastic laws as those.

Mr. SPROUL. But that was the Indian's notion of justice.

Doctor MERRIAM. Yes, in years gone by, but there is not a tribe in the United States that does anything of the kind now.

Mr. SPROUL. May I ask, what is your idea of the attitude that this Government should take toward the government of the Indians? Should the Government allow them to run their affairs exclusively in their own way, with the Federal Government having nothing to do with it?

Mr. FREAR. Let the doctor answer the first question.

The doctor would not assume that they would allow them to do it without the Federal Government interfering.

Doctor MERRIAM. The Federal statutes prevail to-day in all cases covered by the Federal statutes. In the bill before the committee we are dealing with another class of cases altogether, with minor misdemeanors, which are not specified in the Federal statutes.

The CHAIRMAN. In this bill?

Doctor MERRIAM. Yes.

Mr. MORROW. You were eliminating all felonies entirely, and talking about misdemeanors?

Doctor MERRIAM. Yes; I was merely citing ancient cases to show the force of the old Indian laws.

Mr. MORROW. We are dealing with misdemeanors.

Doctor MERRIAM. Yes, and the punishment of these, without stating what they are. There is no mention in this bill as to what offenses shall be subject to the jurisdiction of the reservation court, and therefore it is all in the hands of the superintendent and his local judges.

Mr. FREAR. Let me ask you this question. You have made a very significant remark, that the Indian judges selected by the tribe are entirely different in their character or in the manner of selection than those selected by the superintendent. Did I understand that correctly?

Doctor MERRIAM. Yes, in part.

Mr. FREAR. Then will you explain what you mean by that?

Doctor MERRIAM. I mean that under the old tribal law the council considers offenses and prescribes the punishment.

Mr. FREAR. I am speaking more particularly about the character of the judges.

Doctor MERRIAM. The judges appointed by the superintendent, the judges mentioned in this bill, are men who do the superintendent's bidding. They are appointed by him and are paid by him, and there is no distinction as to results between the verdict of the superintendent and that of his judges.

Mr. FREAR. Those are the judges who are paid \$10?

Doctor MERRIAM. Yes. In the tribes I am familiar with there is no such thing as an Indian judge. Under the tribal laws matters are considered in open council and decided by the council as a whole, in most tribes by an absolutely unanimous vote of the council. There is no one man who may act as judge.

Mr. FREAR. What is the proportion of judges appointed by the tribe and those appointed by the superintendent?

Doctor MERRIAM. There are no judges appointed by the tribe. Decisions are made by the council of the tribe, which embodies a large number of the head men.

The CHAIRMAN. On what reservation is that custom carried out now, where the tribe acts on these matters and decides upon the punishment?

Doctor MERRIAM. In the Navaho Reservation, which I believe is the largest in the country, and among the Pueblos, and among some of the tribes in southern California. Most of the Indians with whom I am most familiar do not live on reservations; they have never lived on reservations. They are what are called wild or uncivilized Indians and live in the mountains, or wherever they have been crowded by the whites, for their original homes on good land were taken from them long ago.

Some of these Indians have come together and have purchased from the whites small parcels of land that had been theirs for centuries; they have paid cash for this land and have established themselves upon it in little communities, doing things in a community way, raising grain, and so on, without individual ownership. However, they build and own their own houses and own their own teams and other animals. During the summer they work where they can find employment.

The CHAIRMAN. The California Indians are really worse off, as a whole, than the Indians of any other State, are they not?

Doctor MERRIAM. I think so, because they have never had any material help from the Government, except in the way of schooling, and a very little in the way of health. They have never been paid for their lands. Their condition, so far as health is concerned, is most deplorable, on account of the prevalence of trachoma, tuberculosis, and other preventable diseases.

The CHAIRMAN. What I was getting at was whether the following of the tribal custom in these things helps the Indians whom we are particularly interested in, helps him to fit himself into life as it exists to-day, or whether he fits into life as it exists to-day more rapidly when he comes more fully in touch with the white man's ways and comes more directly under the white man's law. Under which plan will the Indians sooner become able as a whole to carry on as a part of the American people?

Doctor MERRIAM. He is traveling on that road fast enough anyway. In California, as a matter of fact, there is very little left of the old tribal law and tribal government. I do not know of any of it among the northern tribes, except possibly in the Klamath River country. In most of the tribes in northern California—

The CHAIRMAN (interposing). Pardon me. I just wanted to get your idea as to whether or not the Indian, considering the question entirely from the standpoint of the Indian himself, fitted into this life better under one plan or the other, with the white people, fortunately or unfortunately, occupying this country pretty completely. Under which sort of a plan will the Indians be able to take care of themselves best, on the whole, by becoming a part of the general population, or remaining in California, up in the mountains, by themselves, carrying on their old tribal customs?

Doctor MERRIAM. In reply I would say that the Indians just referred to, living by themselves in the mountains, are little or not at all governed by tribal customs. In most cases the tribes are reduced to a few scattered individuals here and there. As a rule they do not live in communities for the double reason that they do not possess enough land and that there are not enough of the tribe still alive to form a community. The survivors are scattered where they can find places where they will not be molested. Some have taken refuge in out-of-the-way spots, others on small parcels of land purchased for them by means of special appropriations from Congress. The Government has permitted there remnants of tribes to occupy these small tracts of uncultivable land where in many, if not most, cases there is no water. Here the Indians are allowed to build their little shacks and live if they can. As there is no means of making a living on these places they are obliged to search for employment at a distance. Some work on ranches, and in the fruit season most of them go to the valleys to earn money by picking fruit and hops. They are subject to our laws entirely, as much so as we are ourselves. The only exceptions in northern California are the Klamath River and Pit River tribes of which a considerable number still exist, although they are thinning out very rapidly.

There have been court trials in the city of Redding where the judge has sent for the leader of the Pit River tribes to come before his court to recite the Indian law, and the sentence has been rendered in accordance therewith. This is the only case I think of now where the old laws are in effect in northern California.

In parts of southern California parts of the old laws are still in effect, but, as I said before, the Indians are passing very rapidly from the old Indian state and the old Indian beliefs into the white state and beliefs; in fact they are passing so rapidly that it seems ill advised to try to crowd them, to put on any more pressure, because they are making the change by themselves fast enough.

Mr. FREAR. You said, in substance, that the superintendent appoints the judges, and that the judges are practically the same as the superintendent?

Doctor MERRIAM. Certainly.

Mr. FREAR. That is in the handling of these misdemeanors. How would you avoid that, or improve the character of the judges that the superintendent appoints? Of course, we realize that judges

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appointed at \$10 a month are not supposed to have any great qualifications. How would you improve the character of the judges?

Doctor MERRIAM. I would not have any such judges.

Mr. FREAR. What jurisdiction would you provide for?

Doctor MERRIAM. I would provide for the jurisdiction of the State for misdemeanors; for serious offenses we already have the Federal courts.

Mr. FREAR. On the reservation, under what jurisdiction would you have misdemeanors?

Doctor MERRIAM. Of the State, except in the case of the few large tribes which still have their own tribal laws and punishments.

The CHAIRMAN. We are going into questions of law which are, of course, very interesting. I would like to ask you this general question. Under the Constitution of the United States—and I would like the lawyers on the committee to follow me, and if they do not agree with me I would like to have them say so—under the Constitution of the United States a citizen of the United States is a citizen of the State in which he resides. That is under an amendment to the Constitution. But these people, who are on a reservation and in a class by themselves, having been given citizenship, are necessarily under the laws of the State in which they reside. That has nothing to do with tribal customs, if those tribal customs are compatible with the laws of the State. They could preserve all their customs except those in conflict with the laws of California. Do you accept that as correct, or do you think it is not correct?

Mr. WILLIAMSON. I do not think you are correct as to the law.

The CHAIRMAN. What is it?

Mr. WILLIAMSON. The State courts have no jurisdiction now over Indian allotments, or reservations, as such.

The CHAIRMAN. They have no jurisdiction over the area of the reservation.

Mr. WILLIAMSON. Upon any restricted Indian allotments or upon a reservation.

The CHAIRMAN. Because it is Government territory.

Mr. WILLIAMSON. Yes.

The CHAIRMAN. How about the general effect of the laws on the Indians in your State?

Mr. WILLIAMSON. They affect them if the offense is committed at any other place.

The CHAIRMAN. One of the chief complaints here has been that the reason they do not give your State courts jurisdiction is because the State courts do not take jurisdiction where it is on the reservation.

Mr. WILLIAMSON. I think that is correct, but I wanted to make the distinction.

The CHAIRMAN. You are absolutely correct about that. Of course, on the reservation it is Government property.

Mr. JOHN COLLIER. There has been a Federal court ruling on that point recently.

The CHAIRMAN. My point is that we are asking a lot of questions about tribal customs, when a great deal of that matter, perhaps, will not have any effect on our action upon this bill.

Mr. FREAR. I think it has a direct effect on this bill. It is a question as to the authority and jurisdiction of the present judges, and

whether we want to make a change, and if so, what kind of a judge we want. It seems to me the last remark made by Doctor Merriam as to the character of the judges appointed by the superintendent is one of the most important things we have had brought out in this hearing. Of course, if the Indian superintendents are appointing men to carry out their wishes, the committee ought to know it.

The CHAIRMAN. The doctor's opinion seems to be that there should be no Indian judges at all.

Mr. FREAR. That is a new proposition to me.

The CHAIRMAN. That is his judgment, based on his acquaintance with the Indians, that they should come under the local State courts. Of course, the Indians who have been before the committee this year seem to be opposed to that.

Mr. HILL. May I ask what offenses are included in this section, contemplated in section 2, that come under the jurisdiction of the Indian court?

The CHAIRMAN. The Bureau of Indian Affairs is not represented here this morning on account of the illness of Mr. Burke and the fact that Mr. Meritt is unavoidably detained.

I might say in connection with this matter that the Forest Service is authorized to promulgate regulations.

Mr. HILL. I understand that, but that is a matter of procedure rather than a substantive definition. It does not say that the offenses shall be defined.

The CHAIRMAN. I would like to have a moment to make this suggestion. We have taken about an hour with one witness this morning, and we have a number of witnesses who desire to make statements. I felt that perhaps Doctor Merriam, who has in a very unselfish way been around among the Indians for many years, ought to be allowed to make a rather complete statement, and for that reason I have not confined him to just exactly what is in the bill. But I feel that we must expedite the hearing, and unless there is objection, I would like to call another witness.

Mr. FREAR. We have interrupted the doctor quite a good deal. If he has not completed his statement I ask unanimous consent that he be allowed to complete his statement without interruption.

Doctor MERRIAM. I do not think I should take up the time of the committee with anything further.

Mr. MORROW. I went into this the other day to some extent with the doctor, and I think there is a point which can be cleared up very much by him. As I understand it, you would recommend that the tribes who do not have a code of laws now be placed under the State courts as to misdemeanors?

Doctor MERRIAM. Certainly.

Mr. MORROW. As to those who have a code, you would let them be reserved for two or three years, or a period of time in which they would gradually come under our laws?

Doctor MERRIAM. I would.

The CHAIRMAN. For Indians on reservations?

Doctor MERRIAM. Yes; there is very little of that in California.

Mr. WILLIAMSON. As I understand your testimony it has particular reference to the Indians of California rather than to the

Indians on reservations in North and South Dakota, Montana, Wyoming, and other reservations through that section?

Doctor MERRIAM. I am speaking particularly of the Indians of California and Nevada, with whom I have been personally familiar for about 38 years.

The CHAIRMAN. We will call the next witness, Mr. John Collier.

**STATEMENT OF MR. JOHN COLLIER, EXECUTIVE SECRETARY
AMERICAN INDIAN DEFENSE ASSOCIATION (INC.)**

Mr. COLLIER. I am executive secretary of the American Indian Defense Association, with branches in Wisconsin and in various parts of California. At the subcommittee hearing last Saturday I talked a long time and do not want to repeat that. I also submitted a typewritten memorandum, and if that could be put in the record it would take the place of my saying things. I also submitted suggestion of amendments to the bill. I will try to talk briefly to the points raised in the discussion by Doctor Merriam.

Mr. HASTINGS. Can you not give briefly to the full committee what you said to the subcommittee.

Mr. COLLIER. I will proceed consecutively with the bill, beginning with section 2.

The CHAIRMAN. You have no objection to section 1?

Mr. COLLIER. Except as contained in my objection to section 2. Section 2 gives jurisdiction over undesignated offenses to so-called reservation courts for Indian offenses. These courts, as Doctor Merriam stated, are the superintendent or his deputies. They may be hired and fired by him, or they may be other employees of the department, or they may be the superintendent; the superintendent may step in and displace the judge. He frequently does take the job out of his hands and put him off to one side and adjudicate in place of him. You will note that section 2 merely states that under rules and regulations prescribed by the Secretary of the Interior the reservation courts shall proceed. These rules and regulations would control procedure to be followed, and specify the offenses, but where is the limit placed? The first thing I will bring out is that section 2 does no more than give explicit recognition by statute to practices that are already universally enforced on reservations.

Constructively, Congress has authorized the Indian Bureau to do what it asks explicit authorization for in section 2. Congress has for years been appropriating money to be paid to so-called Indian judges, \$8,000 in the budget just appropriated by the House; and the bureau has construed that this by implication authorized them to make exercise of police magisterial power. It is our contention that the Indians should have their day in court, that there should be a definite code of laws by whomsoever enacted; that due process should be insured to them as it is to every other citizen and even noncitizen except Indians in the United States. You can not deprive even an immigrant of due process, yet the Indians are under existing practice deprived of it. There is no reason to quote specific cases. If the Indian agents did not arrest Indians and did not punish them by fines and imprisonment, then there is no excuse for appropriating \$8,000 for Indian judges. There has heretofore been no appeal from

Disease and Poverty of California Indians

STATEMENT OF DR. C. HART MERRIAM, OF WASHINGTON, D. C., AND CALIFORNIA

Doctor MERRIAM. My name is Dr. C. Hart Merriam, of Washington, D. C., a part of the year, and of California the other part.

Mr. Chairman, I have nothing to say in regard to the bills, except that the general provisions of them I am strongly in favor of. I came merely to say that from personal experience with the Indians of California for more than 38 years, I have found the most inhuman neglect of sickness and of the old people generally who are too feeble to take care of themselves. This applies to the entire State, from the Mexican boundary to the Oregon line. I am with the Indians usually for six or seven months of each year, and am forced to observe their physical and mental conditions. It is the old story if one were to go into the details, of the extent of the ravages of tuberculosis and of trachoma among the California Indians, that is very well known, as well as the presence of other diseases, and the absence of sufficient food.

In many cases, particularly of late years, the counties are doing something for the health of the old people. The counties provide in some cases \$5 and \$6 a month, and in some cases within a few years only \$4, for the sustenance of the old and feeble Indians. In

some cases the county poorhouse looks out for a small portion of the Indians, a very small portion of the very feeble. But in a great majority of the cases over the State the Indians who are sick receive no attention whatever. They are in contact with no doctor at all, from any source. A great many of them die through neglect every year, and some every month. That is the actual condition throughout the most of the State. I have never come in contact with a visiting physician at the home of any Indian during all the years that I have been working among them.

I know that in parts of the State of California occasionally a sick Indian is visited by a doctor, but I have never happened to come in contact with a case of that sort, and they are very rare and very far between. It would seem that in the name of humanity we should try to help these Indians when they are sick, and when they are old and feeble and unable to provide for themselves. And it seems to me that now the State of California has expressed a willingness, even a desire, to cooperate with the National Government in the matters of health and education of the Indians, that we ought to be very glad to carry this proposition out.

We know as a matter of fact that the State of California has an unusually efficient medical service, well-trained physicians and surgeons, who are aware of the conditions among the Indians and who are very willing and anxious to undertake to help them if they are legally enabled to do so.

Mr. Chairman and gentlemen of the subcommittee, that is all that I came here to say.

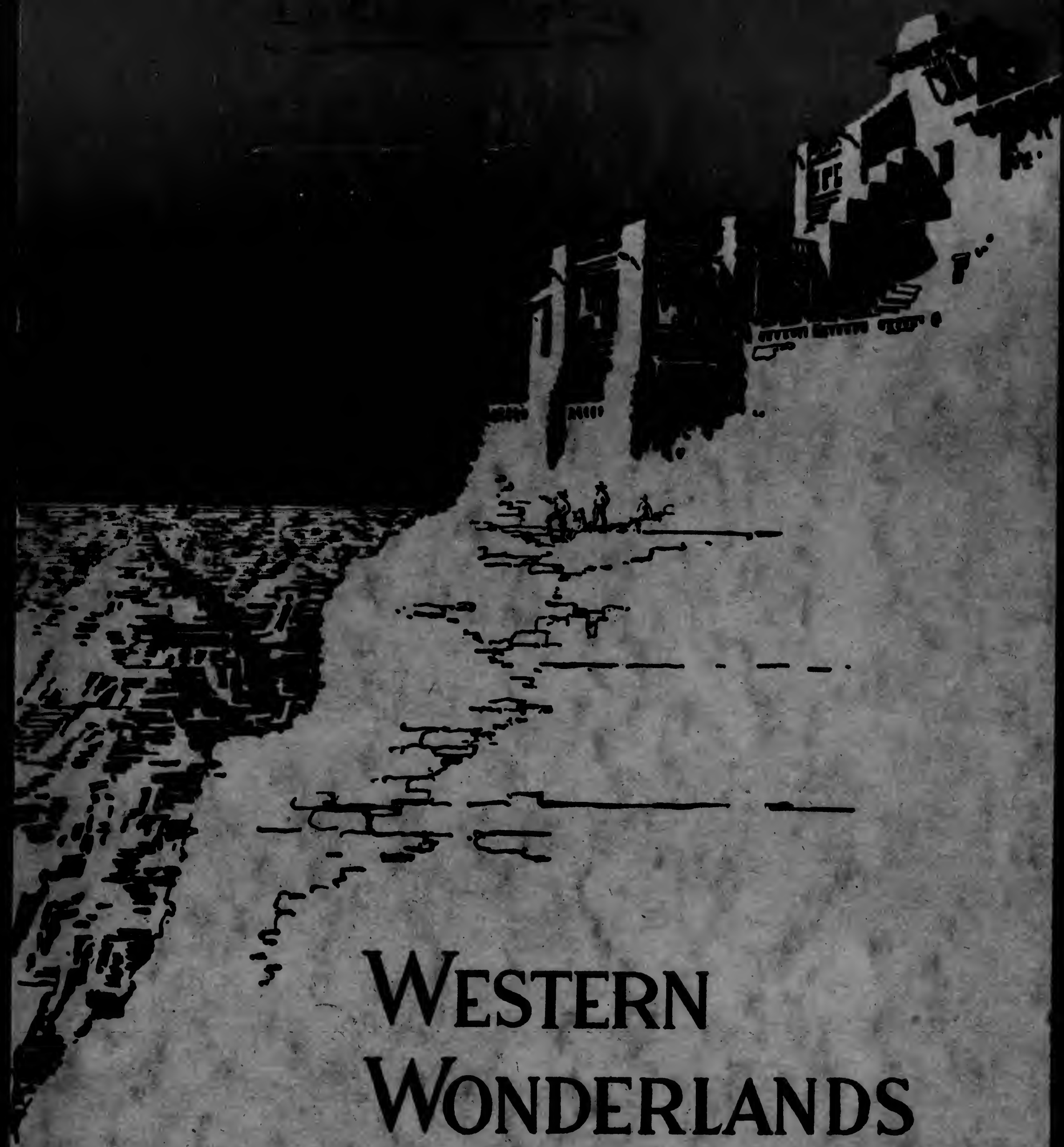
Senator LA FOLLETTE. Doctor Merriam, we wish to thank you. Does anyone else desire to be heard?

Hearing before Senate Committee on Indian Affairs
69th Congress, 2nd Session. on S.3020. Feb. 10, 1927.
pp.33-34. [Printed Feb. 21, 1927].

Notes of CHM

ca. 1925

Including draft statement relating to Administration of Indians



WESTERN WONDERLANDS

UNION PACIFIC

In my judgment, resulting from more than 30 years of personal contact with Indians of many tribes (upwards of 150 tribes) it is obvious that one of the most harmful ^{injurious} things has been the breaking down of the old tribal customs and laws.

Why should the power of a great nation be used to anticipate & harass the original owners of what we now glory in calling "our country"?

Why not let the rightful owners, the conquered, live their own lives & worship their own gods?

Why force them to live in ^{the} white man's ways?

In all reason & humanity should not the attitude of the Govt be one of kindly guidance & cooperation instead of ^{out of} overbearing dictation and intimidation?

~~What~~ What satisfaction can it afford a conquering nation to tyrannize over the conquered? Why by the display of authority force a subjected people to conform to our laws & customs.

Does any thoughtful person believe that ^{by} edict, law, or intimidation we can change the habits & beliefs of a primitive people.

Or, does anyone believe that the laws & customs by which any people have been governed for hundreds - if not thousands - of years, can by edict be suddenly replaced by those of a foreign people?

Persons familiar with the treatment of Indians by Govt officials will hardly deny the prevalence of an attitude of overbearing dictatorship & intimidation.

Henry Thompson & Co. 70 + 71
Stanfield Hill (Tan-Ku)

1928

Tulayona - 74

Mrs Francis P. Farquhar
114 Sansome St
San Francisco

Sorey - 1000 in all
on little hill.
Lob. Latona

Zimata 1600 in all.

Qualities desired
Fidelity (Protection)
Franchises
Responsibility
Initiative & Industry
Willingness to do things
Trustworthiness
Accuracy
Reliability
Patience
Adaptability
General helpfulness
Common sense

[Lock 1933]
Yuba River
Stanfield Hill
Chico
Mooretown Ellen

'Patron'
Calusa -

Runney Patwin -

unbo in 1931?
Chico June 1903

Berry Co
Enterprise
Mooretown

Coulter (John M.D.) (I may have it)

Adventures on the Western Coast of
So Am & the Nation of Self 1847

Lockup & Little Coy.

Rubinson Catal. P. 21/1932

Tam yaten (= "Serrana")

Mokineam series

Kutanamites
Mokineam

Kahweish series (= "Cahineah")

Mahle
Kahwesetam
Kooa
Pyumho
Sovova

Tongvan

Tongvā

Tabot elibela

Wanted
San Bernardino Mts. Quads

Pigu'che
 my - - New
 you - - Um
 his - - making
 ours - - Tak

Desert tribes Vocals

add:

Tree Yuccas
 Whistle "
 again
 Coriller
 Rabbit Stick

So calf

all Rabbit stick

Ocean tribes

add:

clams
 oysters
 abalone

crabs
 lobsters
 starfish
 sharks

To do:

Ind. Index Jours last 3 yrs
 Loc. " " " 3 "

Read, Xtract, + card City Hist Society

Calder Seal. Heads for Trilite

dit + bid SJ Ann + Expl + Field work

Trinidad

Witchpek Frank, wife, + several children are now (Oct. 1920) living at Trinidad. She was married with Kresler + Watterman several years.

There are other Lower Klamath (Polikla) Indians here - a woman from Met-tah + another from near Johnsons, + perhaps others.

There is also a Weyat woman, and a few of the native Ner-ex-ner.

The Weyat's mother was a Bear River Nika-mi + informant speaks both languages.

To do

Label photos (1931 & 1932)

Mount & label Ind. Albums

Label ^{2 files} all photos ~~photos~~

Copy Vocab

Rearrange office supplies

Index my journals to date

Continue 23 Journal Index (past type)

Calif. Hist 4-terly - Search & card articles

Xpand & complete my antique files



From Wellham 1901.



From Wellham - 1901.

{ Marinpan 12aming
 maream mawungo

Mo-he-ah-ne-um San Bernardino

Make list of all San Bernardino
 + mawungo tribe names & try to
 fix. (See p 37 Journal 1932 & ante)

Ludwig, Herman E. - Lieutenant Am. Aboriginal Languages. Loda 1858
 Relationship of Bodega Alamutke to
 Tchokoyem of Sibbe and to San Rafael of Hale.

also, Talatui of Hale + Tuolumne of Johnson
 "are allied to them"

Deguinoo, Diegenos ⁶²

Tah-le-wah ("Klamath River")
 Sibbe in Schuchert 3:1410

Ludwig 179, 1858

live along Longmoss (land).

Talatui ("Kassimo" R.
 "Cassimo" R.)

from Hale.

Tchokoyem Savanahel

Sibbe Schuchert

Wetsofale 200' 220'

Wick-osh 201. 220.

Yukai Runs River Sibbe

Yumas 205 white

Bodega (212)

Alamutke Hale

Diegenos 220

Eskelen 220

Mutsuns 232

Pimser 237

Quiche 236

Miyakawa

(finish for subject)

W. Monach (and family)

Copy remaining vocabs

Hampton, J. P. -

Phonetic system Ute Language

Univ. Colorado Studies, vol 8, 1916

Soc Calif Pioneers SF

Marion Lydia Lathrop

2nd Conference of 2a Mr. G. V. Kelly

Quarterly Society, Pioneers Vol IX

no 3, Sept 1932

Water Rent write for bill

Data for India plates:

Tribe

Stock

Locality

Name of person

Date

3126.45

4
1260580

~~The~~ ^{our} map also shows correctly the Northern Wintoon area as spreading westerly over the Bully Choop and northern part of the Yolla Bolly mountains ^{even} and including the greater part of the drainage basin of the upper half of Trinity River.

Shorts

Pens

Pencils

Track of work

~~Unfinished~~ (photos)
1.1 (albums)

Hand printing

coloring

Remembering things To Do

When in doubt, ask

Office supplies

Uncommunication

— Initiative

Read Mrs for suggestions

Tulypoint

Seashore-Volunt (Barrenip)

Winton

Lotus

Chippies

add. words Vocals & 1

mileage tables

RECOMMENDATIONS CONCERNING CALIFORNIA INDIANS

In view of the ignorance of the Indian Office concerning the non-reservation Indians of California, and in view further of the deplorable conditions under which many of these Indians live, it is urgently recommended that at least two competent and sympathetic persons be appointed to look after the interests of the Indians of northern California. It should be the duty of these persons to familiarize themselves with the present conditions of these Indians, to investigate the titles of their land-holdings, where they have any, and to protect them so far as possible from ^{the encroachments and abuses of} evil-disposed whites.

Laws Relating to Administration of Indians

Allotments: Allotments should never be forced upon unwilling Indians. Indians, like ourselves, are social people and the great majority of them prefer to live in communities ^{in the way} as they have lived for thousands of years. Furthermore, ^{in most cases} the ~~kind of~~ land usually allotted to Indians is so poor and so remote from water that the allottee cannot make a living on it. Most Indians prefer communal lands so that they may run their stock ^{collectively} on grazing lands and cultivate ^{the} small areas of agricultural lands if any such exist.

Roads: It is customary to use In the construction of roads, funds appropriated by Congress for the benefit of ~~the~~ Indians. In some cases this is justifiable; in others not, particularly where the roads will be of much ^{greater} ~~more~~ benefit to the Whites than to the Indians.

Tribal Relations: For many years it has been the practice of the Government to break up tribal relations-- to separate

(Tribal Relations, cont'd.)

the individual from his tribe, to do everything possible to destroy the influence of tribal laws and practices-- thus depriving them of the wisdom and guidance of their ancestors and setting them adrift from the control of laws that have been in effect for hundreds, if not thousands of years, ^{thereby} thus encouraging unbelief and lawlessness.

Interference
with Religious
Liberty :--

The tribal ~~religious~~ ceremonies of Indians are well known to be of religious origin. We call them 'dances' for lack of a better name, but our use of the term implies amusement, while for the most part their ceremonies are an ^{integral} ~~necessary~~ part of the religious practices of the tribe. Inasmuch as the Constitution of the United States guarantees religious freedom, how can ~~we~~ ^{government} honorably suppress or interfere with the religious practices of our aborigines? The allegation that many

Memoranda Relating to Adm. of Indians, -2-

(Interference with Religious Liberty, cont'd.)

such ceremonies are immoral has been found by
competent investigators to be untrue.

Government pamphlets re Indian affairs

1850-1907

FILLMORE (President)

1852

Message to Congress relating to Affairs
in Oregon. 32d Congress, 1st Sess.,
Senate Ex.Doc.65, pp.31, 1852.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RELATIVE TO

The state of affairs in Oregon growing out of a conflict of opinion among the authorities of that Territory in regard to the location of the seat of government of the Territory.

APRIL 22, 1852.

Referred to the Committee on Territories, and ordered to be printed.

To the Senate and House of Representatives of the United States :

I invite the attention of Congress to the state of affairs in the Territory of Oregon, growing out of a conflict of opinion among the authorities of that Territory in regard to a proper construction of the acts of Congress approved the 14th August, 1848, and 11th June, 1850; the former entitled "An act to establish a Territorial government of Oregon," and the latter entitled "An act to make further appropriations for public buildings in the Territories of Minnesota and Oregon." In order to enable Congress to understand the controversy, and apply such remedy, with a view to adjust it, as may be deemed expedient, I transmit—

1. An act of the Legislative Assembly of that Territory, passed 1st February, 1851, entitled "An act to provide for the selection of places for the location and erection of public buildings of the Territory of Oregon."

2. Governor Gaines's message to the Legislative Assembly of the 3d February, 1851.

3. The opinion of the Attorney General of the United States of 23d April, in regard to the act of the Legislative Assembly of the 1st February, 1851.

4. The opinion of the supreme court of Oregon, pronounced on the 9th December, 1851.

5. A letter of Judge Pratt of the 15th December, 1851, dissenting from that opinion.

6. Governor Gaines's letter to the President of the 1st January, 1852.

7. Report of the Attorney General of the United States on that letter, dated 22d March, 1852.

If it should be the sense of Congress that the seat of government of Oregon has not already been established by the local authorities pursuant to the law of the United States for the organization of that Territory, or, if so established, should be deemed objectionable, in order to appease the strife upon the subject which seems to have arisen in that Territory, I recommend that the seat of government be either permanently or temporarily ordained by act of Congress, and that that body should, in the same manner, express

its approval or disapproval of such laws as may have been enacted in the Territory at the place alleged to be its seat of government, and which may be so enacted until intelligence of the decision of Congress shall reach them.

MILLARD FILLMORE.

WASHINGTON, April 19, 1852.

No. 1.

AN ACT to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon.

SEC. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That the seat of government of this Territory be, and hereby is, established and located at Salem, in the county of Marion; and each and every session, either general or special, of the Legislative Assembly of this Territory, hereafter convened, shall be held at the said place above named.

SEC. 2. That the penitentiary, or State or territorial prison of this Territory, shall be, and hereby is, located and established at Portland, in the county of Washington.

SEC. 3. That the University shall be, and hereby is, located and established at Marysville, in the county of Benton; and all appropriations or donations of money or personal property, and all the proceeds of the sale of land or lands granted or donated to this Territory for the establishment and endowment of a University, shall be applied to the erection of suitable buildings for an endowment of a University at the said place above named.

SEC. 4. That John Force, H. M. Waller and R. C. Greer be, and are hereby, constituted a board of commissioners to superintend the erection of buildings at the place designated in the first section of this act as the seat of government; and the said commissioners, or a majority of them, shall agree upon a plan of said buildings, and shall issue proposals, giving two months' notice thereof, and contract for the erection without delay; and the said commissioners shall agree upon one of their number to be acting commissioner; and said acting commissioner shall give bond to the United States in the sum of twenty thousand dollars, to be approved by the governor of this Territory, for the faithful performance of his duty; and said bond shall be filed in the office of the secretary of this Territory.

SEC. 5. It shall be the duty of said acting commissioner to superintend, in person, the rearing and finishing said buildings; and the said acting commissioner shall have power to call the said board of commissioners together, for the purpose of transacting business on this subject; and the said commissioners shall receive such compensation as shall be hereafter allowed by law.

SEC. 6. The acting commissioner shall annually report to the Legislative Assembly a true account of all moneys received and paid out by him.

SEC. 7. If, by death, resignation, or any other cause, there shall be a vacancy in said board of commissioners, it shall be the duty of the governor to appoint some person, from the district where such vacancy occurred, to perform the duties of such disqualified commissioner; *provided*, however, that such appointment shall not extend beyond the meeting of the next Legislative Assembly.

SEC. 8. *And be it further enacted*, That a penitentiary of sufficient capacity to receive, secure and employ one hundred convicts, to be confined in separate cells at night, shall be erected at the place designated in the second section of this act, for the confinement and employment of persons sentenced to imprisonment and hard labor in the penitentiary in this Territory.

SEC. 9. That Daniel H. Lownsdale, Hugh D. O'Bryant, and Lucius B. Hastings, be, and are hereby constituted a board of commissioners, to superintend the erection of a penitentiary, at the place designated in the second section of this act, and shall be governed by, and have all the powers, and be subject to all the restrictions contained in sections four, five, six, and seven of this act, and receive such compensation as may hereafter be allowed by law.

SEC. 10. This act to take effect, and be in force, from and after its passage.

Passed the House of Representatives January 30, 1851.

Passed the Council February 1, 1851.

No. 2.

Gentlemen of the Legislative Assembly:

Understanding that an act concerning the establishment of the seat of government for this Territory had passed your honorable body on the first instant, I sought for, and obtained, what purports to be a copy of the act; and in the supposition that the paper furnished me is a true copy, I proceed to submit to your consideration a few observations on it.

The title is, "An act to provide for the selection of places for location and erection of public buildings of the Territory of Oregon." The first section establishes the seat of government at Salem, in Marion county.

The second section establishes the penitentiary at Portland, in Washington county; and the third section establishes the University at Marysville, in Benton county.

The fourth section names three gentlemen as commissioners, to superintend the erection of the public buildings, and authorizes them to select one of their number as acting commissioner, who is required to give bond (without the usual requisition of security) to the United States, in the sum of twenty thousand dollars, to be approved by the governor, for the faithful performance of his duty; and upon this board is devolved the *exclusive* duty of erecting the public buildings. The ninth section provides for the erection of the penitentiary in Portland, in the same manner, and subject to the same restrictions prescribed for the erection of the public buildings at Salem; but the act is silent as to the erection of the University at Marysville.

The act of Congress entitled "An act to establish the Territory of Oregon," approved August 14, 1848, provides, in the concluding part of the sixth section, that, "to avoid improper influences, which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title."

The concluding part of the fifteenth section of the same act provides: "And the sum of five thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said

Territory of Oregon, to be there applied, by the governor, to the erection of suitable buildings at the seat of government." It is also provided in the sixth section of the same act, that "any law or laws inconsistent with the provisions of this act shall be utterly null and void."

The act of Congress entitled "An act to make further appropriations for the public buildings in the Territories of Minnesota and Oregon," approved June 11, 1850, provides in the first section that "the sum of twenty thousand dollars each be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be applied by the governors and Legislative Assemblies of the Territories of Oregon and Minnesota, at such places as they may select in said Territories for the erection of penitentiaries."

And in the 3d section, that "the sum of twenty thousand dollars, in addition to that appropriated in section fifteenth of an act to establish the territorial government of Oregon, approved August 14, 1848, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be applied by the governor and Legislative Assembly of the Territory of Oregon to the erection of suitable public buildings at the seat of government of said Territory."

I have carefully compared the paper, which purports to be a copy of your enactment, with the above-recited acts of Congress, and am constrained to say, with all due deference, that, to my mind, it is not in conformity with either, but in derogation of both. Every law should embrace "but one object, and that expressed in the title."

The place selected for the penitentiary should have the concurrence of the Executive; and the money appropriated for the erection of the public buildings should be applied with his sanction.

Entertaining these views, I owe it to the government and people of the United States, whose agent I am, to the people of Oregon, whose rights it is my duty to protect, and to my official oath, to decline any participation in executing your act.

I have thus freely expressed my opinion, in order that you may have an opportunity to substitute some other person to approve the bond of the acting commissioner, and to provide for filling vacancies in the board of commissioners.

Allow to me add, in conclusion, my hope that you will not adjourn without taking the most effectual steps to carry out my recommendation in my message at the commencement of the session, to cause the public buildings to be erected.

I am, respectfully, your obedient servant,

JNO. P. GAINES.

EXECUTIVE DEPARTMENT,

Oregon City, February 3, 1851.

No. 3.

OFFICE OF ATTORNEY GENERAL,

April 23, 1851.

SIR: The papers lately received from the Hon. John P. Gaines, which I communicated to you, and which you were pleased to refer to me for my

opinion thereon, have been carefully examined and considered. They consist, first, of what purports to be an act of the Legislative Assembly of the Territory of Oregon; second, a message from Governor Gaines to that Assembly, bearing date 3d February, 1851, expressing, for reasons given, his dissent to that act, and his refusal to participate in its execution; and third, an opinion of the United States attorney for the Territory, given on the application of the governor, against the validity of the said act.

The only acts of Congress which I have found relating to the subject, are, "An act to establish the Territorial government of Oregon," passed 14th of August, 1848, and "An act to make further appropriations for public buildings in the Territories of Minnesota and Oregon," passed June 11, 1850.

By the first of these acts, the legislative power and authority are vested in the Legislative Assembly of the Territory, consisting of a council and house of representatives, and the concurrence or approval of the governor is not requisite to the validity of their acts of legislation. The power "to locate and establish the seat of government for said Territory at such place as they may deem eligible," is expressly given to that Assembly by the fifteenth section of that act.

It may be a question how far this general and exclusive power of legislation has been qualified by the act of Congress above mentioned, of the 11th June, 1850, in the instances there embraced. That act, in its first section, provides "that the sum of twenty thousand dollars each be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to be applied by the governors and Legislative Assemblies of the Territories of Minnesota and Oregon, at such place as they may select in said Territories for the erection of penitentiaries;" and in its third section it further provides, "that the sum of twenty thousand dollars be, and the same is hereby appropriated, &c., to be applied by the governor and Legislative Assembly of the Territory of Oregon to the erection of suitable public buildings at the seat of government of said Territory."

This last section does not, in my opinion, interfere or conflict with the previous exclusive power of the Assembly to "locate" their seat of government as they thought proper. It gives the governor no control or voice on that question. But the seat of government once fixed by the Assembly, it does give him a concurrent and equal authority with them, in the application of the money to the purpose designated. This concurrence was required probably as an additional security for the proper expenditure and use of the money granted; and to this extent, and in reference to the use of this money, the legislative power of the Assembly is qualified, and they cannot dispose of it without the concurrence of the governor. In regard to the first section of the act, and the appropriation of the twenty thousand dollars for the erection of a penitentiary in Oregon, the act is too explicit to leave any room for construction. That money, in the words of the law, is to be applied "by the governor or Legislative Assembly of Oregon," at such place as "they may select for the erection of" a penitentiary. By the force of this language the governor must have a concurrent and equal power with the Assembly, not only in the application of the money to the erection of the necessary buildings, but in the selection of the place where they are to be erected.

On the other topics presented in the message of Governor Gaines, and in the written opinion of the United States attorney, it is unnecessary, per-

haps, for me to say more than that I entirely concur in the views expressed by those gentlemen.

The act of Congress which established the Territorial government of Oregon, and from which its Legislative Assembly derives its existence and its power, expressly and imperatively declares, that "to avoid improper influences, which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title." That the act of the Legislative Assembly in question does "embrace more than one object," and that it is therefore in violation of the act of Congress, is a proposition that cannot be made plainer by argument. The same act of Congress declares what shall be the consequence of such a violation of its provision, namely, that the Territorial act "shall be utterly null and void."

My opinion, therefore, of the act in question is, that it is null and void in all its parts, and consequently can give no legal validity to anything done under color of its authority.

This statement, with the message of the governor, the act of the Legislative Assembly, and the opinion of the attorney of the United States for the Territory, will present the subject fully, and enable you to give whatever direction may be deemed proper. I shall be gratified if the remarks I have made shall in any degree facilitate your examination and decision of the subject.

I have the honor to be, very respectfully, sir, your obedient servant.

J. J. CRITTENDEN.

To the PRESIDENT.

No. 4.

United States Supreme Court for the Territory of Oregon.

Amos M. Short }
vs. } In error from Clackamas county district court.
F. Ermatenger. }

A. E. Waite, attorney for plaintiff:

W. W. Chapman, attorney for defendant.

On the question as to the proper place for holding the present term of the supreme court, the court decided as follows:

Associate Justice Strong's opinion.—The question before the court is one of grave importance. The decision upon the constitutionality of an important legislative act by a court of supreme jurisdiction is a serious matter, and the court will at all times approach the investigation of a case involving the necessity of such a decision with great caution. Yet it is a duty from which they are compelled by the obligations of their oaths not to shrink, when it is legitimately brought before them in a case between parties litigant. This case is also important, from the fact to which the court cannot close their eyes, that the question involved is one of absorbing interest to the entire population of the Territory. And well may it be so considered, for upon its proper determination by the court, and the peaceful acquiescence of the people at this time in such determination, depends in a great degree the destiny of this new and rapidly growing Territory. If, in our

action as a people on this question, we exhibit a disposition to be governed by those principles of law which lie at the foundation of all our civil rights, and be governed in our action by the decision of that tribunal which has been constituted to decide upon them, all will be well. If, on the contrary, misled by partisan feeling, passion, prejudice, sectional or local interest, we trample law and order under foot, the consequences at this early period in our attempt at self-government as a Territory, may, and certainly must be, such as good men will look forward to with fearful apprehensions. It is only in times of great popular excitement, that the people are liable to forget and tempted to overstep those great fundamental principles in our government by which the power of the people is distributed and apportioned to the different departments, legislative, executive and judicial; and if we wish to preserve the free institutions under which, as a people, we have long been so highly prospered, it is at such times that we should be extremely cautious not to be led into rash and inconsiderate action. Our past history has shown that when the excitement is over, the people are sure to return to the good old ways of their fathers, which they have tried so long, and love so well; but vastly more desirable is it to continue in the right path, than, having gone astray, to return; though to forsake an error when discovered, and correct our course, is an attribute characteristic of Americans, and of which we may well be proud. Had not objections been made in the cause now on trial before the court which compel us to decide this point, that our decision, if the parties are not satisfied, may be made the subject of review by the appropriate tribunal, the court would have remained silent, our actual sitting and transacting business as a court at Oregon city being of itself a virtual decision; but the party requiring the decision upon this point, and being entitled to receive it, it is made. It is, however, in the view of the case that I have before presented, that I have felt called upon to give the subject my most serious attention—much more so than I would have deemed necessary, had it been a matter involving simply dollars and cents, in amount however large. I have given it such consideration, and it is a source of satisfaction to feel that the decision to which we have come is clear, both upon principle and authority—so clear, it seems to me, as to leave no cause for a reasonable doubt in the mind of any man who has his ordinary allowance of common sense, and the disposition to use it fairly and honestly. Although purely a question of law, yet it is so plain to the comprehension of any man who examines it, that it requires a considerable effort of legal ingenuity, to so far mystify as to raise the shadow of a doubt. An objection is made to proceeding in the cause before the court, on the ground that we are not met at the proper place, or, in other words, at the seat of government. The simple question, then, presented to us at this time for our decision in this cause is, where is the seat of government for the Territory of Oregon? Is it at Oregon city? The first proposition to be determined is, what does the term "seat of government" mean? A concise but sufficiently comprehensive definition of the term is, that it is the place where the law-making power can legally assemble for the purpose of enacting laws. If the legislature can assemble at any place within the Territory, and there make legal and binding statutes, and that for this purpose one place is as good as another, then there is no seat of government, for there would be nothing settled about the place, and the very term implies stability, or something settled. It must then mean some place, either permanent or temporary, where, and where alone, the members of the Legisla-

tive Assembly can meet and act in a legislative capacity. And where is that place in Oregon? The first inquiry which would suggest itself to a legal mind, or indeed to the mind of any man making investigation, on such a query being propounded to him, would be—where has the legislature heretofore met? The court is bound to take the official notice of the public acts of the legislature, and we find that the legislative body of the provisional government met at the falls of the Willamette, at what is now Oregon city, and this they were required to do by an act passed June 27, 1844. So far, then, as the provisional government is concerned, there can be no doubt where the seat of government was—it was fixed by law. This act had all the force of law which an act of the provisional government could have until the passage of the organic act by Congress, August 14, 1848. By the fourteenth section of that act, validity is given to all the laws of the provisional government then in force in Oregon Territory, excepting such as might be incompatible with the constitution of the United States, and the principles and provisions of the organic act. The law of the provisional government, then, fixing the seat of government, unless changed by some provision in the organic act, still continued in force after the Territory became organized under the law of Congress. The only provisions in the organic act affecting this question are, that by the fifteenth section the governor is authorized to name the place where the Legislative Assembly should hold its first session, thus conferring an authority upon the governor to make a temporary seat of government, which should be a legal place for the transaction of legislative business during that session. The governor, in the exercise of this power, saw fit to name the place where the seat of government had legally existed, and did legally exist until some new place was named by him. After the first session of the Legislative Assembly terminated, the power of the governor over that matter was at an end. It rested with the Legislative Assembly themselves.

They adjourned at their first session without attempting to pass any act on this subject. What, then, was the condition of the Territory after such an adjournment? Had it no seat of government? Was there no place where the law-making power could legally assemble? If there was not, then the government was disorganized. The governor had no power to make a seat of government, and the law-making power could not act without first assembling at some lawful place. It would therefore have required an act of Congress to have again set the wheels of the Territorial government in motion. But such a state of things could not, and did not follow. Oregon city or the falls of the Willamette had once been established as the lawful seat of government, and had never been legally changed; and by well established principles of law it continues the lawful seat of government until it is lawfully changed. To hold any other doctrine would be to hold that the last Legislative Assembly did not meet at any proper place, and consequently that they did not meet at all, and that all laws passed by them at their last session are but the idle resolutions and doings of a set of men met together without legal authority, trying their hands at law-making by way of pastime, and we are thrown back upon Congress for a new start. Such is not my opinion of the law. I must hold Oregon city to be the legal seat of government, up to the meeting of the Legislative Assembly, or all is anarchy and confusion.

We now progress a step farther, and examine whether, by any law which was passed at that session, the seat of government was removed to any

other place. The power of locating and establishing the seat of government, as well as of removing it when established, remains in the legislative assembly. And how may they do this? In the same manner that a legislative body may do any lawful act; that is, by the passage of a law. Did the Legislative Assembly at that session pass any law upon this subject? We find, upon looking at the statute book, what purports to be "An act to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon," which provides (see General Laws O. T., p. 222.) In order to know whether this is a law, and therefore of binding force, or *not* law, and therefore of *no* force, it is necessary to examine the power of the Legislative Assembly; for unless it be the act of a body having the power to make it, it cannot have the force and effect of a law, though it might be written on every page of the statute book. Our legislative assemblies are not like the Parliament of Great Britain, supreme. We have no supreme power save that which is vested in the people. In each of the States the people have seen fit to adopt a constitution or fundamental law, by which they establish three different departments of government—the legislative, executive, and judicial—and assigned to them their respective powers, fixing limits over which none are to pass, and usually limiting the power which may be exercised by the body of the people as a mass, to a revision of that fundamental law under certain prescribed forms. The officers being the agents of the people, are authorized to exercise those powers only which are conferred upon them in the constitution. If the legislature, the executive, or the judiciary, act within their power, their acts are the acts of the people who have authorized them, and therefore valid. If they step beyond their power, their acts are void, because the people have not so authorized them to act, and have not so agreed to be bound. The constitution, then, is the touchstone by which every act must be tried. Still farther, and over and above all, is the constitution of the United States. Within the limits of its provisions it is the expressed will of the people of all the States; and so far as it extends, it, and all laws enacted in accordance with its provisions, are the supreme law of the land, because it is the will of the entire people, expressed in a manner agreed upon and prescribed by the entire people; and when we speak of the acts of Congress, we merely use a short form to speak of the acts of the entire people, comprising all the citizens of the United States, whether residing in States or Territories. The subject of Territorial government has been the subject of much discussion; and it has become the settled doctrine, that until they possess a sufficient population to assume a State government, they are under the protection and government of the people of all the States, through their regularly constituted agents in Congress assembled.

Acting upon these principles from 1787 down to the present time, Congress has directed the government of the several Territories generally to the satisfaction of all the people, and about half of the present States of the Union have gone into the Union from Territories. I allude to this peculiar position of our Territorial government, for the purpose of showing that it is not a new thing, and that it is not an arbitrary and tyrannical species of government, as some seem to suppose, where we are subjects instead of citizens. We are here by our own consent, with a full knowledge of the usual mode in which Territories are governed; and therefore, while we remain to enjoy the protection of Congress, or of the whole people of the Union, and the benefits of a Territorial form of government, we owe as

willing an obedience to the organic act and the laws prescribed by Congress, as we could possibly owe to the constitution of any State in which we might choose to take our residence. The people of Oregon, hitherto under the provisional government, and since the organization of the Territory under the law of Congress, have shown a disposition to abide by the laws of their country under circumstances the most trying, which I trust will continue to be manifested to the end of time.

The act of Congress organizing the Territory of Oregon is our constitution. It is the fundamental law by which the different departments of government are created, and by which their powers are defined and limited, and must so remain until we become a State, or the power that made it shall change its provisions. The Legislative Assembly is made such by that act, and their duties are prescribed by its provisions, and with those provisions we compare its acts to determine their validity. Let us apply this test to the act in question, and if it stands the test it is good, and will come out the brighter for having been tried. If it fails it is not the law, and never has been. The organic law, section 6th, provides "that every law shall embrace but one object, and that shall be expressed in the title;" and in the same sentence it gives the reason for its enactment, which is, in the words of the law, "to avoid improper influences which may result from intermixing things having no proper relation to each other." It would seem that Congress had experienced the evils resulting from intermixing things having no proper relation to each other in one act, and were also aware of the deception which had frequently been practised in legislation by enacting provisions in the body of a law altogether different from the professions contained in the title, and that they were determined that in this new Territory every offspring of legislative enactment should not only stand upon its own merits, but should also come into the world with a responsible name, and thus a great door to log-rolling and fraud be effectually closed.

In looking for an act locating or changing the seat of government, we should naturally look, knowing this provision of the laws of Congress, for some title expressive of this object. We look and find none: "the seat of government" is not even mentioned in the title of any act passed by the Legislative Assembly. We look still further, and under the modest and unassuming title of "An act to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon," (Gen. Laws, p. 222,) we find an act containing ten sections: the first section professes to locate and establish the seat of government, and instruct future Legislative Assemblies where to meet; the second section locates the penitentiary at a different place in a different county from the seat of government; the third section locates and establishes a University in a different place in a different county from either the seat of government or penitentiary, and appropriates the funds granted by Congress for the endowment of a University to the erection of buildings, &c. The remaining sections contain miscellaneous provisions referring to the first three sections. It is evident that the location of the seat of government, and instruction to legislative assemblies, are not public buildings; and it cannot for a moment be contended that the penitentiary and university have any necessary relations to each other or to the seat of government, especially where those buildings are to be erected in different places, and neither of them at the seat of government; and it would be a difficult matter to convince any man of natural abilities, that the proper way to express in the title the subject-matter of a law to change the seat of government, was to use the language adopted in the title to this

act. We have yet to learn of the first one who considers the act as in accordance with the organic law. Any one, upon reading the law, would infer that there was a studied design running through the whole of that act, to see how many provisions of the organic law could be violated in so limited a space; and that the title is a labored effort to express as little as possible of what is contained in the body of the bill. Every one of those objects is of sufficient importance to be the subject of a separate act; and the conclusion is almost irresistible, that there must have been some improper influences at work to have intermixed them in one and the same act. Under the organic law the people have the right to demand separate action upon every object that is brought before the Legislative Assembly, that each act may stand upon its own merits; and they have a right to demand that the object of every act shall be expressed in its title, that they may know by the titles of the different acts, as they appear in the published reports of the proceedings, what laws are under consideration on the part of those they have sent to legislate for their interest. The court would be unworthy its position should it deny them this invaluable right. Congress, as if to avoid the necessity of any reasoning in regard to the effect of an act contrary to the organic act or Territorial constitution, has, in so many words, declared that "it shall be utterly null and void." (Sec. 6, Organic Act.) Can stronger language be used? Can an act utterly null and void, have any force and effect? Is it not dead—still-born—incapable even of resurrection? The matter is too plain for argument: it is no law. No man, be he officer or citizen, is bound to pay it the least respect. It is dead without mourners, and can lie unburied without offence. Every one is bound to disregard it.

Notwithstanding the law is conceded to be void, it is argued that every act of the Legislative Assembly, upon a subject-matter within its jurisdiction, is presumptively valid, and that courts and individuals are bound so to treat it until declared by a legal tribunal that a sort of judicial coroner's inquest must sit over the dead law to give its solemn decision that the thing is absolutely defunct. If the mere statement of the proposition shows its absurdity, a thorough examination will show it still more clearly. If the Legislative Assembly should charter a bank, it is conceded that the act is binding upon none, because the subject-matter of chartering a bank is not within their jurisdiction. But it is said, that if they should establish the seat of government, by an act which is passed in a manner contrary to the provisions of the organic act, such a law would be binding until it is pronounced void by a court; because the subject-matter of locating the seat of government is a matter within their jurisdiction. The term jurisdiction, as applied in this sense to a legislative body having no judicial power, is entirely misapplied. It can possibly have no such legal application. Neither of the acts is good or bad, because they are within or beyond the jurisdiction of the Legislative Assembly; but both are void, and in precisely the same sense and to the same extent worthless, and entirely to be disregarded, and for the same reason in each case, namely: the want of power in the Legislative Assembly to pass them. The Legislative Assembly cannot charter a bank, because they are prohibited from doing so in the organic act; and they cannot pass a law fixing the seat of government and providing for other objects in the same bill, with a title that does not express the object of the act, because such legislation is also prohibited in the organic

act. The same sentence is passed alike on both: they are utterly *null and void*.

It is further claimed, that when the Legislative Assembly have passed an act similar to the one in question, it is presumptively valid, and every one must believe it to be a good law, and act under and upon it as a good law, until the courts have pronounced it void, and that the judges of the courts must walk according to all its provisions, and assemble at the place pointed out, before they can sit upon the question and pronounce as to its validity. Such is not the doctrine of the American law, or of any law that prevails in any free country. Every freeman has a right to judge of the law himself: if he judges it to be good, to obey it; if bad, to disregard it—responsible for his conduct to the judgment of that tribunal, who, by the people's appointment in their constitution, are authorized to declare, in the name of the people, what is law with judicial authority. Judges, when not acting in an official capacity, have the same right of obeying a valid law and disregarding a void law. In regard to a law of this kind, where the very place of meeting for the purpose of holding court is the matter in question, and they cannot meet without virtually deciding the question, the act of each judge in proceeding to the seat of justice is, in a measure, an official act which he is under an oath to perform, according to a law that is binding, and not according to a void act, and the action of a majority of the court upon that point may, with great propriety, from the very necessity of the case, be considered a judicial determination by the court of the question. But what is meant by a law presumptively valid? If it is meant that the court will enter upon the consideration of every law or act passed by the Legislative Assembly, with a disposition to consider it good, unless the contrary is manifest—presuming that the legislature will exercise due care in enacting laws that are good—then I agree with the doctrine; but if presumptively valid means what it seems to be used for, namely, that void acts passed by a Legislative Assembly have a sort of *prima facie* validity that it requires action to overthrow them, it is not used in any sense warranted by legal authority. A void act is of no force upon any one action, but a court may declare it so; but it was just as lifeless and inoperative before the declaration by the court, as after. It is a well established principle of law, as well as common sense, that you cannot kill a dead thing so as to render it more lifeless. If this doctrine of presumptive validity is correct, and every man is bound to act upon a law as valid until it is decided invalid by a court; suppose a legislature having jurisdiction of the subject-matter of crimes and punishments should pass a law making the killing of a hog punishable by death, and commanding every man who saw the offence committed to shoot down the offender without judge or jury; the subject-matter of crimes is within the jurisdiction of the legislature, and they have a right to punish hog-killing with death. To be sure, there is a little informality in the mode of execution and depriving an American citizen of the right of trial by jury; but what of that? the law is presumptively valid. No court has said it was not so, and it must be obeyed. What would be the effect if the law-obeying citizen were brought up charged with murder, and tried by a court where justice was administered according to law? I opine that such an excuse would only avail on the plea of insanity; but the case in question shows the utter absurdity of this doctrine of presumptive validity about as clearly as any case that we can suppose. Had the members of the court gone to Salem entertaining their present opinion of the law, they must have pronounced that the law was

void, and never had any force or validity. The question would then rise to the mind of every one, is the law so unreasonable and absurd as to require the judges to come so far from the place where the law compelled them to assemble, merely for the purpose of declaring that they were in the wrong place, which they knew very well before? Such a construction cannot be correct. The last argument I shall notice, if argument it may be called, is rather an affectionate appeal to the sympathy of the court. It is said that very many members of the legislature have been befogged by the law on their road to the seat of government, and are huddled together in some improper place, where they have made up their minds to remain unless the supreme court shall go to that place and officially and judicially shed light upon their path-way, which will enable them to see their way clear to the seat of government, and that we ought to go there, by way to compromise, and enable those who have come to such a deliberation to retreat with honor. An act like this on the part of the members of the court would be a void act, not having the force of a legal decision, and would, in effect, be placing upon the records the fact that the judges knew that they were not acting according to law. Personally, I should very much desire to gratify the feelings of any such, if any there are; but the obligations of an official oath to act according to law, forbids a court to be governed by mere questions of feeling or expediency, and we must do our duty, leaving to others to act as they shall answer to the people, whose agents we all are.

The entire want of time to refer particularly to all the authorities which go to support the position I have taken, compels me to omit that branch of the case, which I do cheerfully, knowing that his honor the Chief Justice is entirely competent to show that our decision is as clear upon authority as I deem it on principle. I have said thus much, and said it plainly, because upon a question of this importance I desire not to be misunderstood, and I deemed it my duty. It is my opinion that Oregon city is at this time the legal seat of government, and the only place where the supreme court can legally convene; and that, therefore, the application to suspend proceedings in this cause must be refused.

Chief Justice Nelson's Opinion.

The supreme court of Oregon Territory is required to hold a term on the first Monday of December in each year, at the seat of government, and the question is now raised—Where is the seat of government? Under the act of Congress organizing the Territory, the governor appointed Oregon city as the place where the Legislative Assembly was required to hold its first session. By the fifteenth section of that act, the Assembly, at its first session, *or as soon thereafter as it should deem expedient*, was empowered to locate and establish the seat of government for the Territory at such place as it should deem eligible. The Assembly, at its first session, adjourned without fixing any time or place for its next session. Shortly afterwards an extra session of the legislature was held at Oregon city, pursuant to a call of the governor. In May, 1850, this body passed a joint resolution in these words:

“Resolved, That the Legislative Assembly will meet on the first Monday of December next.”

The last legislature assembled on the first Monday of December, 1850, at Oregon city. A short time previous to its adjournment, and on the

seventh day of February, 1851, a resolution passed both houses in these words:

"Resolved by the Council (the House concurring therein,) That the Legislative Assembly of Oregon Territory will meet annually on the first Monday of December in each year, at the seat of government."

Now, the seat of government is the place where the legislative body may lawfully assemble and enact its laws. I am of the opinion, therefore, that a fair construction of the language used by Congress in the fifteenth section of the act referred to, joined to the action of the legislature itself, requires us, in the absence of any proper legislation by the Territory, to regard the seat of government as continuing at Oregon city. The language used by Congress is by no means explicit, but any other interpretation of it would leave the legislature without any place fixed by law for holding its session, unless resort should be had to the law of the provisional government on the subject.

The 14th section of the act of Congress organizing the Territory, contains a provision in these words: "And the existing laws now in force in the Territory of Oregon, under the authority of the provisional government established by the people thereof, shall continue to be valid and operative therein, so far as the same be not incompatible with the constitution of the United States and the principles and provisions of this act, subject, &c." By the law of the provisional government, the legislative body was required to meet at the Willamette Falls, (now Oregon city;) so that, whether we fall back upon the law of the provisional government, or repose upon the act of Congress, and the course of action pursued by the Territorial legislature under the same, Oregon city must be considered as the seat of government, unless by some legal enactment it has been fixed at some other place. The Legislative Assembly, at its last session, passed "An act to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon." This act is composed of ten sections—the first of which locates and establishes the seat of government at Salem; the second locates and establishes the penitentiary at Portland; and the third locates and establishes the University at Marysville, and declares that the property granted to the Territory for the establishment of a University shall be applied to the erection of suitable buildings at that place. The other sections of the act relate to the appointment of commissioners to superintend the erection of the buildings at Salem and Portland, regulate their official duties, and provide for vacancies occurring in their offices. If this enactment has been rightfully made, then the assembly, in pursuance of the power conferred upon them by Congress, has changed the seat of government from Oregon city to Salem. But the validity of this act is questioned, as being repugnant to the act of Congress establishing the Territorial government. Was this act, then, passed by the Assembly in the legitimate exercise of the powers granted to it, and in the mode prescribed by Congress? In order to answer this question, we must refer to the law of Congress passed on the 14th of August, 1848, establishing the Territorial government of Oregon. This is the fundamental law of the Territory; by it the different departments of the government—executive, legislative, and judicial—are created, and their respective powers limited and defined. It holds substantially the same place in the regulation of affairs of the Territory that a constitution does in a State. Neither of the departments can assume greater powers, nor exercise those powers in

any other way than the supreme law, either in terms or by necessary implication, allows. Any attempt to do so would be an act of usurpation. If we should hold otherwise, we should be saying in effect that the agent is superior to the principal, and has the right to destroy the foundation on which his own power rests. A course of action in accordance with such views would be revolution. The organic act gives to the Assembly the right to legislate upon all rightful subjects of legislation not inconsistent with the constitution and laws of the United States in the mode, subject to the conditions, and with the exceptions, provided for in section 6. That section is in the following words:

"And be it further enacted, That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the constitution and laws of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the Legislative Assembly shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect: Provided, That nothing in this act shall be construed to give power to incorporate a bank, or any institution with banking powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, either directly or indirectly. No charter granting any privilege of making, issuing, or putting into circulation any notes or bill in the likeness of bank-notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the Legislative Assembly. Nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in said Territory; nor shall said Legislative Assembly authorize the issue of any obligation, scrip, or evidence of debt by said Territory, in any mode or manner whatever, except certificates for services to said Territory; and all such laws, or any law or laws inconsistent with the provisions of this act, shall be utterly null and void; and all taxes shall be equal and uniform, and no distinction shall be made in the assessments between different kinds of property, but the assessments shall be according to the value thereof. To avoid improper influences, which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title."

It will be perceived from this section that there are certain subjects upon which the Territorial legislation is expressly forbidden to act. The consequence of doing so is declared in the act itself: "Any law or laws inconsistent with the provisions of this act shall be utterly null and void." Again: All legislation must be in conformity with the rule which requires every act to embrace but one object, and that to be expressed in the title; otherwise it would be inconsistent with the law, and therefore, according to the declared will of Congress, utterly null and void; even if the Legislative Assembly should pass a law in relation to a subject over which they have no jurisdiction, or should, in their action, observe every direction prescribed by Congress, it is still subject to be disapproved of by Congress; in which event, it would become null and void from the time it was disapproved of. But an act of the Territorial legislature, either in relation to a subject over which Congress has given it no power to legislate, or passed without an observance of the rules prescribed in the act, requires no disapproval of Congress to strike it with death. It can never, owing to its re-

pugnance to the superior law, have any vitality; it is, if I may so speak, repealed beforehand; it is entitled to no more obedience nor respect than is an act of the Legislative Assembly rightfully passed, after it is disapproved of by Congress. Chief Justice Marshall, in the 4th vol. Com. Rep. of Supreme Court of the United States, remarks: "When repugnancy exists, the authority which is supreme must control, and not yield to that over which it is supreme. A law absolutely repugnant to another, as entirely repeals that other as if express terms of repeal were used." In each case the act becomes null and void, or of no effect. Void things are no things; null means of no binding force or validity. An act that is null and void, is, in its legal signification, precisely the same as if it had never been passed, and is of no more obligation than if all traces of it were expunged from the records of the body that passed it, than if it were a blank upon the statute-book. Does the act of the Legislative Assembly contravene the law of Congress as contained in the section before quoted? It is at all times a delicate task for the judiciary to call in question the validity of the acts of one of the co-ordinate powers of government. It is, however, their duty to declare what the law is when the question fairly arises, from which neither their oaths nor their regard for the true interests of the people will permit them to shrink. If the question is doubtful, every presumption is to be indulged in favor of the virtue or validity of the act; but if it be made clearly to appear that the legislature has transgressed its powers, or has failed to observe the requisites of a paramount law, no alternative is left to the court but to decide its acts to be void. Entertaining the most unfeigned respect for the body that passed this act, I am constrained to say that, in my judgment, the act was passed in violation of the law of Congress, and therefore has no force, and is entitled to no observance. Without noticing other objections, the act clearly embraces at least *three* different objects, viz: The seat of government, the penitentiary, and the University. It is equally within the letter and within the mischief of the law of Congress sought to be prevented. The whole act is therefore a nullity. It has been stated, however, that every act of the legislature should be observed and obeyed until it is set aside by the court. How an act that has no more force than so much blank paper can require any observance, it is difficult to comprehend. But the court has no power to *set aside* any law—that is a legislative function. It is the province of the court simply to declare what the law is. If a question arises as to the validity of an act of the legislature, the power to settle it is lodged in the judiciary; and if that body should hold it to be void, anything done under it would be void, not because the court sets aside, but because, according to the decision of the tribunal appointed to determine the question, it never had any binding force as a law. A void act is none the more void because the court has so judicially determined. The court does not make the law void—it only settles the question and removes the uncertainty.

But let us see to what consequences this novel and extraordinary doctrine, that a void act deserves obedience until set aside by the court, will lead us. If it deserves respect and obedience, it is just as much a violation of duty to resist it through the channels of the courts as it is to resist it in any other way. That is one mode only of opposing it, and all opposition to it, according to this theory, is wrong, until the courts have made an adjudication. In such a case how will the court ever be called upon to decide the question? It never adjudicates upon the validity of a legislative act, unless in some suit

or judicial proceeding it is sought to be enforced on the one side and resisted on the other. Obey the illegal statute, say the advocates of this doctrine, in effect, until the court adjudge it to be void, and yet the course recommended will forever prevent an adjudication from being made. If this principle be correct, the consequences will inevitably ensue, that unauthorized enactments will always have the effect of unquestionable laws, and the legislature becomes omnipotent. What security exists, then, for the liberty of the citizen when all power is consolidated in one body? But if the court should arrogate to itself the right of sitting in review upon the proceedings of the legislature, and should assume, without any question arising before it, to pronounce upon the legality or illegality of its proceedings, the evil of the doctrine would not be obviated. The property of the citizen might be stripped from him by an unconstitutional act, and scattered to the four quarters of the globe before the time arrives for the court to assemble; his life, even, before a term could be held, might be taken away, under the direction of an act in palpable violation of the supreme law, and yet it is his duty, if this doctrine be correct, to yield up the sacrifice. Obedience to the law until it is set aside by the court is the dogma. Such a position I apprehend is utterly indefensible upon any sound view of law, or upon any principle of common sense. Where there is no right on the part of a legislature to pass a law, there can exist no duty on the citizen's part to observe it, otherwise he is bound to respect usurpation. The authorities to sustain these positions, if any are necessary in a case so palpable to the reason, are numerous and most explicit. In the case of *Charles River bridge vs. Warren bridge*, 7 Pick. Rep. 441, Morton, judge, says: "Legislators act by delegated authority, and only as the agents of the people; the constitution contains the grant of their power. If they exercise any not contained in this instrument, it is usurpation; any such acts are void for the want of authority to make or pass them." Again, on pages 458-9, he says: "The supreme law of the land expressly and peremptorily interdicts the legislatures of the several States from passing any law impairing the obligation of contracts. Any legislative act assuming the form of law, having this effect, is a nullity, and a blank upon the statute book." And further, or in the same case, he observes, in respect to the act then under discussion: "Upon its constitutionality we are bound to decide; if it clearly contravenes any constitutional provision, our duty is plain—the act is a nullity." In the case of *Kimberly vs. Ely*, which arose in Massachusetts, Parker, chief justice, remarks: "It has been urged that the proceedings are not void but voidable, and therefore may become valid by the consent or ratification of the party whose interests are affected; but an act of the legislature, which it has no constitutional right or power to pass, is a nullity, and all proceedings under it are void." In 3d McLean's Reports, p. 107, it is laid down that an unconstitutional law can afford a justification to no one. In the case of *Rice vs. Foster*, 4th Harrington's Reports, p. 603, Judge Harrington, in speaking of an act of the legislature obnoxious to the constitution, says: "The delegation of such power is unauthorized and invalid, and the execution of it is not an act of legislation, but of usurpation, which the citizen is not obliged, and the other departments of government are not at liberty, to obey." In the same case, p. 506, the chancellor of Maryland observes: "In like manner, the action of the legislative powers when exercised, in order to produce a valid law, must be in accordance with the mode of action prescribed in the constitution, otherwise the result cannot

be pursuant to the agreement as contained in the social compact, and therefore not obligatory on the citizen." In the case of *Baily vs. Railroad Company*, 4th Harrington, p. 414, Houston, judge, says: "No one will contend (I presume) that if the legislature should pass an unconstitutional act, the people of the State would be bound to obey it." The case of *Prigg vs. Commonwealth of Pennsylvania*, 16 Peters's Supreme Court Rep. U. S., p. 539, bears with direct application on this matter.

After an attentive examination, I cannot conceive how any further room is left to doubt, as to the matter in question. The supremacy of the tribunal that decided it, joined to the exalted character of the judges, and the profound consideration given to the case by the court, entitles its doctrines to instant and cordial acquiescence. The case was thus: Prigg, a citizen of Maryland, was indicted in a criminal court of Pennsylvania for having forcibly taken and carried away from that State, contrary to the statutes of Pennsylvania, a negro slave who had escaped from Maryland, and who, by the laws of Maryland, belonged to a citizen of Maryland, who had duly appointed Prigg agent to recover the slave. The acts and doings of Prigg were in plain, open violation of the statutes of Pennsylvania, but he utterly disregarded them, on the ground that they conflicted with the constitution of the United States. The State courts gave judgment against Prigg, and he carried the matter to the Supreme Court of the United States for review. That august tribunal, after most thorough searching and eloquent arguments of distinguished counsel, unanimously reversed the judgment of the State courts, and thus in effect decided that Prigg's open disobedience and disregard of a plain statute of the Pennsylvania Legislature was right and legal, because the statute was void. Chief Justice Taney in that case, in speaking of the right of the master to arrest his fugitive slave, remarks: "He has a right peaceably to take possession of him, and carry him away, without any certificate or warrant from the judge of the district or circuit court of the United States, and whoever resists or obstructs him is a wrong doer, and" (mark the words) "every State law which proposes, directly or indirectly, to authorize such resistance or obstruction is null and void, and affords no justification to the individual or officer of the State who acts under it."

Judge McLean, in the opinion given by him in the case, observes: "If the master may lawfully seize and remove the fugitive out of the State where he may be found, without an exhibition of his claim, he may lawfully resist any force, physical or legal, which the State or citizens of the State may interpose. To hold that he must exhibit his claim in case of resistance, is to abandon the ground assumed. He is engaged, it is said, in the lawful prosecution of a constitutional right. All resistance, then, by whomsoever made or in whatsoever form, must be illegal. Under such circumstances the master needs no proof of his claim, though he might stand in need of greater physical power. Having appealed to this power, he has only to collect a sufficient force to put down all resistance and attain his object. Having done this, he not only stands acquitted and justified, but he has recourse for any injury he may have received in overcoming the resistance. If this be a constitutional remedy, it may not always be a peaceable one. But, if it be a rightful remedy, that it may be carried to this extent no one can deny." Again, in speaking of the master's claim, he says: "His right is guaranteed by the constitution, and the most summary means for its enforcement is found in the act of Congress, and neither the State nor its citizens can obstruct the prosecution of the right." Now, two reflections may be

made upon this case: If Prigg was justified in disregarding an unconstitutional statute of Pennsylvania, the justification would extend to all the citizens of the State if they had disregarded it. There existed, then, no duty on the part of any citizen to respect the act. Second: If the State legislature obstructs or interferes with a right given by the superior law, and the citizen may and should utterly disregard their action, then if the subordinate body attempts to exercise powers which are denied to it by the paramount law, it is equally the privilege and duty of every one to give to their illegal doings no countenance nor respect. Apply these principles to the case in hand, and they seem to me decisive of the question. But again, it has been said, that inasmuch as the Legislative Assembly had the right to act upon the subject-matter of the act, it is to be presumed good, and that it is the duty of the court to go to Salem, and there, if it be vicious, pronounce it bad. It is true that we are not to suppose, without clear evidence to the contrary, that the legislature has transgressed its powers. We are to presume everything in favor of the correctness of its acts; but if, upon comparison of its doings with the law under which it derives its powers, we discover a failure to conform to the will of its superior, it is the duty of the court to declare the mandate of the law.

Now, how are we to ascertain that the Legislative Assembly had jurisdiction of the subject-matter? We shall be answered by an examination of the act of Congress. But does not the same act of Congress require every law to embrace but one object, and that to be expressed in the title? It will thus be seen that, whilst we are looking for the source of the Assembly's power to legislate, we at the same time discover a provision that kills the act. The Assembly has no more right to pass a law that embraces more than one object than it has to legislate upon a subject on which it is forbidden to act. Two things are required to be observed in all legislation by the Assembly: first, it must have power over the subject-matter; second, each act must embrace but one object, and that must be expressed in the title. Disregard of either of these rules renders its doings null and void. But if the court shall go to Salem, and there, as a court, decide that Salem was not the seat of government, it would in effect convict itself of a violation of the law; and even if it was not unlawful for it to do so, what good purpose could it serve if it should proceed there? It would be a mere piece of useless formality, and the law never requires an idle ceremony. It has been alleged that unless the court meets at Salem, and there decides upon the question, its decision given elsewhere can have no force, for the reason that it would be simply an opinion of individuals holding, it is true, official stations, but, not being assembled pursuant to law, it cannot be considered as a judgment of the court. This is a *petitio principii*; but if the judges should go to Salem, and there decide upon the question, and the decision should be against the law, would not the decision be that of individuals, and not of the court? Because, by their own declarations, they were not sitting at the place prescribed by law. The question as to the proper place to pass upon the act of the Assembly is as much a judicial question as that of the validity or invalidity of the act itself; and when a sufficient number of the judges constituting the court are convened together at the proper time, and at what they deem the proper place for holding a term, and proceed to do business as a court, the question is, by necessary implication, decided, and must be regarded as settled until their doings are pronounced erroneous by the tribunal having the power to review them.

But we are told that, as a matter of expediency, as an indication of respect to one of the co-ordinate departments of the government, we ought in the first place to go to Salem, even if the act of the Assembly contravenes the law of Congress. I entertain as sincere a respect for the Assembly as any other individual; I regret the necessity which calls in question any of its proceedings; but if respect is due anywhere, it is first due to Congress: when its will is made known to us we should yield to it every deference and obedience in preference to any act of the Territorial legislature that may be in conflict with it; we cannot serve two opposing masters. Whilst proper deference is to be shown to every one in matters of this kind, mere compliments are out of the question. Courts are not to sacrifice duty to etiquette: they are bound to follow the law, and not expediency. A judge would be unworthy of his place on the bench, if he should suffer any notions of false politeness or temporary expediency to bend his opinions or to influence his conduct from the straight line of duty. And who is there so vain as to suppose that the present Assembly is weak enough to be flattered by a compliment so hollow as that proposed to be paid by the body that framed this act? Will it be better satisfied to have the law pronounced invalid at Salem rather than at Oregon city? Is there any magic in the place where such opinion shall be given? If any of its acts are to be declared void by judicial determination, I entertain too high an opinion of the good sense of the members of that body to suppose that the effect of the judgment of the court is to be rendered less unpalatable to them by reason of the locality where it is pronounced. I for one will never demean them so far as to suppose that they are to be "pleased with a rattle and tickled with a straw."

I have thus freely expressed my views on this question, not because it involves in my judgment any serious difficulty, but because the principle at stake is one of high importance. It is perhaps well that the discussion of it has taken place at this period in the history of this young nation. We cannot expect that men will be wholly influenced by their local interests and feelings; but I cannot but think that, in a matter affecting so deeply the character and interests of the Territory, there will be found enough of good sense and patriotism pervading all the citizens of this Territory, whether in public or private station, to uphold with a steady hand, regardless of all minor considerations, the law of the land as settled by the authoritative tribunal.

The objections must be overruled.

No. 5.

Correspondence between Judge Pratt, one of the Associate Justices of the Supreme Court, and Hon. Samuel Parker, President of the Council for Oregon Territory.

SALEM, MARION COUNTY, O. T.,
December 12, 1851.

DEAR SIR: Learning that you are again at the seat of government, after a short absence, I called at your quarters to see you; but being told that you were out, and most likely would stay away all the evening, I will not

wait your return, and in place of it take the liberty to address you a note. The object of my visit is, to see and inquire of you whether you at any time heretofore or do now entertain a doubt about the legality of an assemblage of the Legislative Assembly at this place, and their power to legislate after being thus assembled? Since I last saw you, Judges Nelson and Strong have held what they call a supreme court, at Oregon city, and denounced in unmeasured terms the action of the people's representatives as disorganizing and revolutionary, because they have assembled at Salem to do their public duties in obedience to the location law, passed at the last session of the Legislative Assembly. This sounds strangely to us, but we are prepared for almost anything after what has transpired in certain quarters during the last twelve months. It looks a good deal like a party struggle to sustain the governor, who has kept the capital and public library away from us, in defiance of all law, for a whole year. What think you?

Please answer this note, without delay, and oblige yours truly,

SAMUEL PARKER.

To Hon. O. C. PRATT.

SALEM, December 15, 1851.

DEAR SIR: In answer to your inquiry, "whether I at any time heretofore, or do now entertain a doubt about the legality of an assemblage of the Legislative Assembly at this place, and their power to legislate after being thus assembled," I take occasion to answer, and say that at all times since reading the "location act" of last winter, (and now no less than ever,) I have never doubted the legal necessity and official obligation imposed by it on members of the Legislative Assembly to assemble at Salem, which by that act was made the seat of government, and of their doing such business in the way of legislation as may be found to be necessary to meet the wants of the Territory. And I further conceive that this necessity and obligation will continue binding until that law is either *disapproved* by Congress, *repealed* by the Legislative Assembly or declared *unconstitutional* by a court lawfully organized and invested with power to adjudge its invalidity. After which, should either of such events occur, I do not doubt the Legislative Assembly, not being prevented by the organic law, nor any statute, would then be at liberty, until the capital is again established, to assemble and do business, by common consent, at any other place which might be selected. I am clearly of opinion, however, and have always thought the same since entering upon my duties here three years ago, that the supreme court can only be holden at the "seat of government," as expressly stated in the law of Congress organizing the Territory; and that place is *not* Oregon city, for the reason that what should be the seat of government was left to be established by the Legislative Assembly, at its first or any subsequent session; and it is not pretended that any law or act has ever been passed by that body, conferring upon it such character or distinction. The only apology offered in support of such assumption is, *first*, that it was the capital of the provisional government, and made so by resolution bearing date June 27, 1844, when in fact that government was only adopted July 26, 1845, and the "seat of government for Oregon Territory," under the laws of which we now live, was provided for by an act of Congress, dated August 14, 1848. The provisions of the latter are not only inconsistent

with, but absolutely repugnant to all previous temporary and provisional legislation on the subject! The words in the organic law, "*shall proceed to locate and establish*" the seat of government, directed by Congress to the Legislative Assembly while assembled as such, at their first or any subsequent session, *clash* strangely with the idea thrown out, "that the *act of assembling makes and establishes it*," *volens volens*. To say of a thing *already done*, that we may PROCEED to do it, is an absurdity. And for Congress to provide for the first session of the Legislative Assembly by directing the governor to call them at *any* place *he* may choose, and then permit that body to establish the seat of government wherever they may deem most eligible, and after which, let the judgment of a court on this congressional law, and the fact of assembling, pronounce that the seat of government is, *ipso facto*, fixed at that place of *involuntarily assembling*, or by a subsequent act of assembling at the same spot, through *common consent*, would constitute a system of reasoning that may answer the purposes of others, but not for me. Such *construction* Congress would hardly thank us for, inasmuch as thereby *their meaning would be perverted*, and as far as our feeble reasoning carried weight, that body *would be stultified*. No, sir; that sort of theory will not do. It does violence to the commonest understanding, and it requires neither astuteness nor learning to divest it even of plausibility. Everybody understands that the seat of government under the organic law *cannot be fixed by implication*; and, if it has not been established by the law of the last Legislative Assembly, as my brethren saw fit to prejudge, by utterly disregarding it, why, then, it simply amounts to this—that *it remains still to be done*, and as a consequence the gentlemen commissioned as our judges must *suspend the exercise of their functions as a supreme court*, until the legislature "*proceed to locate*" a place *for them to sit*, "at the seat of government." But has not this been done? An unrepealed and unadjudged statute, passed February 1, 1851, by the Legislative Assembly, answers that it *has*. But my brethren say, "it is no law;" no man, be he officer or citizen, is bound to pay it the least respect. It is dead without mourners, and can lie unburied without offence. "This certainly is not very complimentary to a co-ordinate department of the government; but then, as a set-off, it contains a spice of brilliant and poetic beauty rarely found in legal papers coming from a tribunal which Chancellor Kent describes as peculiarly fitted to sit in judgment upon and weigh the constitutionality of statutes, *venerable* by age and parity; *wise*, through ripe learning and long experience; *dispassionate*, by means of being removed from the influences of excitements and popular passions; and *greatly respected*, from their rigid simplicity and absence of all irregular fancies and poetical flights in measuring out the stern mandates of the law." But, all this is not worth while to differ about. Attempts at wit and ridicule are thought by some to be more appropriate for the hustings than the bench; but *failures* of that kind, wheresoever they may occur, all agree, wound only the user.

Let us now look at this law so flippantly and unceremoniously disposed of by the (extra) judicial action of Judges Strong and Nelson. It is entitled "An act to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon." Its first section provides for locating and erecting the State-house at Salem, and declares it the "seat of government." The other section relates to two other public buildings, and gives details connected with their erection. Whether any of the sec-

tions, after the first, refer to a building (the penitentiary) which could only be located by concurrent action of the Legislative Assembly and the governor, and therefore void for want of full power to enact, *is immaterial to our inquiry*, inasmuch as, if it be so, they may be rejected whenever found subject to this defect, and the balance retained, it being a well-settled principle that statutes may be bad in part and good in part, and the courts have power to *reject* the one and *enforce* the other; so that we are unembarrassed on that score. This first section says that Salem, where the State-house is ordered to be built, shall be the seat of government. There is no objection to it on account of *want of clearness*, expressive of the legislative will, or of *jurisdiction as to the subject-matter*, but it is thought that the *manner* prescribed in the law of Congress to the Legislative Assembly, "that every law shall have but one object, and that shall be expressed in the title," was not properly regarded in drawing up or framing this location act. With all due deference to others, who proclaim the contrary, allow me to say that I regard an act of the legislature, like the one in question, where jurisdiction to legislate, so far from being inhibited, is *expressly conferred*, as being neither within the letter nor spirit of that declaration of the organic law, which declares certain laws and parts of laws "absolutely null and void." These words immediately *follow and are intended only to apply to attempts at legislation where Congress, for good reasons, withholds jurisdiction, and denies all power over certain matters, such as chartering banks and the like, to the Legislative Assembly*. Statutes in derogation of common right are to be construed with strictness, and not extend beyond their express words and clear import. In fact, that expression saying that certain laws would be absolutely null and void, is only declaratory of the rule of law, long settled by the courts, "that laws passed where there is an interdiction of power to pass them, are nullities and bind nobody." The Congressional intention, most likely, in stating and *setting it out* in the organic law, was to simply let the legislature know in advance what would be the judgment of the law in all such cases of prohibited legislation. The act in question may nevertheless be voidable on account of some defect in the mode of its enactment.

There is a wide distinction, however, between a void act and one merely voidable; the *former* is a nullity from the moment of its passage, but the *latter*, in legal parlance, is presumptively valid until it is avoided by the judgment or decree of a proper court when the question is brought up for adjudication. Statutes thought by some to be voidable, like the location act, are always *operative*, and should be *officially recognised until a judgment furnishing evidence of invalidity is legally pronounced*. That part of the law of Congress contained in the closing paragraph of the 6th section relating to the manner of enacting laws by the Legislative Assembly, is, as similar clauses have repeatedly been adjudged by courts of unquestioned great eminence in several States, *directory* merely; and even if entirely unheeded, by no means renders an act or law *ipso facto* void, for this latter quality only attaches in cases and to acts where there is a total absence of power.

Disregarding the particular form of words directed to be used declaratory of the legislative will in any given case, or in the mere frame-work of a bill enacting a law, may or may not, according to the facts, (a question, by the way, always to be settled by an adjudication) be a reason for avoiding its force, effect, and binding obligation. But remember, *that* is the very

point to be tested and legally proved. This, sir, is no novel doctrine. It is as old as the annals of statutes extend. To me, it only seems to require stating to demand and receive assent from all right-minded and thinking men. The contrary leads to the unnatural conclusion that the substance of a thing is of no more importance than the insignificant affair of the drapery in which it is clothed; that the public will, expressed by a solemn act of the law-making power, should be wholly unheeded because the words in which it is expressed (though clear and full as to the purpose contemplated) are not in certain set phrase of speech to answer every man's peculiar definition of what constitutes either a multiplicity of objects or subjects not having a proper relation to each other. Substance of matters and things has always been regarded by courts, rather than the garb in which they are dressed. So with mankind generally, and legislators in particular, ideas have ever constituted much more, worthy of serious consideration, than words, which are the mere medium of their expression; and I am not prepared to think that Congress contemplated, in the absence of express averment of such intention, to apply the same judgment of absolute nullity to acts of assumption of power and to laws, the only objection to which consists not in the matter but in the manner of enactment. Nullity is stamped on the face of the one by authorities which no one questions; but as equally well settled is it that presumptive validity is claimed, and properly so, until otherwise adjudged, for the other. This principle of distinction is not less supported by authorities than it is commendatory to good sense; and I trust that all contrary doctrines, by whatever official influences now upheld in Oregon, will require, in order to get a permanent foothold upon the public councils, something else besides a perversion of adjudged cases, a confusion of terms and principles, and mere dictums, which have no other weight to sustain them except unsupported assertion. A few words more about this law which is so unceremoniously treated as unconstitutional. If an act of the legislature is plainly repugnant in substance to the constitution, it is not disputed that it is void, and the courts have the power so to declare it. But they will not pronounce a legislative act to be void except in a clear case. This has been long and well settled by the most eminent of the State courts and often by the federal judiciary. Indeed, so much caution and delicacy upon subjects of so important a nature as the constitutionality of a law, is manifested even by the Supreme Court of the United States, that it has long been a rule with that distinguished tribunal that they will never take up and hear a cause involving a constitutional question, except when the bench is full. How unlike this spirit was the recent action of my brethren in their apparent eagerness to hold a "sort of judicial coroner's inquest over the dead body of a law" which they say never had life; and in their haste to enrobe themselves with such powerful authority, even had to derive it from a resolution of the late provisional government, which, by their own showing, was passed full thirteen months before that "defunct" government was called into being.

But they insist that if this resolution (which never was the offspring of the provisional government) does not give them power to hold a supreme court, they derive it at least through implication; the rationale of which they derive from the involuntary assemblage by the Legislative Assembly once, and a subsequent assemblage of the same body at Oregon city, the members of which came there without obligation of law, and only by common consent. Therefore, they say Oregon city is the seat of government

for Oregon, and therefore they can hold a supreme court there. To understand the force of this, it only requires stating. I leave it without comment. I have always supposed, heretofore, that where the means for the exercise of granted power, delegated and contained in a fundamental law, are expressly given and pointed out, no other or different means or power can be implied, either on account of convenience or of being more effectual. And this doctrine I am still obliged to retain and act upon, or do violence to my own humbler judgment, notwithstanding the learned opinions of my brethren, declared as "by authority," at Oregon city, and as a "judgment from the supreme court." I have previously said that that part of the law of Congress as to "laws having but a single object, and that expressed in the title," has been construed as directory merely, and not imperative. If this be so, it follows that laws subject to no other objections, except such as come within that kind of complaint, cannot be the subject of judicial review at all. To regard it in any other light would be to make the judiciary a despotic censor of the legislature. It cannot be that Congress intended to confer this censorious and monstrous power upon the judiciary. But admitting, for the purpose of argument, that it is so, what is the objection to the location law? That it contains more than one object. More than one object? How so? What is its object? Is it not the establishment of the public buildings of the Territory? And though it may embrace many and various provisions, are not the location and erection of the Territorial buildings its proper and only object? Oregon Territory, its seat of government, its University for the education of youth, its penitentiary for the confinement of its criminals, was the object of the law. The various details of this law were not its objects. There is no plural in its object. It will not do to refine away laws in this manner. Such refinements may answer as a pastime in the absence of anything else to employ the mind about, but it cuts a sorry figure in every-day practical life. Few statutes could stand such a hypercritical test. An act conferring a pension on a widow, and making provision for the support and education of the infant children of a meritorious soldier, killed in the public service; an act making appropriation to one person for firewood, and to another for sawing it, for the use of the Legislative Assembly at its present session, and almost every other act which under the contracted sense assumed for this law as being multifarious, would be deemed unconstitutional. No, the true test is not the details of the law, but its general scope, its object. And if it be in its nature one—such a matter as the mind acts upon at one operation, and need not necessarily be disintegrated in order to be intelligible then it is one object, and is not obnoxious to the constitutional interdict. And here I am met with the objection that, though this law may not be bad for multifariousness, it is so because its object is not correctly expressed in its title. What is the meaning of this? It is that the title should indicate—should call the reader's attention to—the nature of the law; and if so, that is enough. The constitution cannot mean, as some have assumed, that to make the law valid, the title must be a correct syllabus of it. All that can be required is, that the title should correspond with, and not be incongruous to, the provisions of the law. The probable object of this provision was to guard members of the legislature from unwittingly voting for an objectionable law under a captivating title. It is simply directory, and ought and must not be regarded as a kind of condition precedent, on which the validity of the act depends. In any other view of the subject, in order

to be safe, it would be necessary for the title to recite the whole body of the act; a piece of bungling machinery that I think the common-sense statesman of our day would hardly try to set in operation. Thus reasoned in substance (I have to quote from memory in the absence of books) the chief justice of a State, on a law precisely analogous to the one under consideration by our Oregon city judges; and, while I express no opinion upon its soundness—for it will be quite in time when we get a supreme court—I shall leave the subject for further consideration in a manner less hurried than the present.

You allude in your letter to the probability that party spirit, to sustain the governor, had something to do with this strange course of proceeding and *exhibition* of feeling, had and shown by the judges at Oregon city. About that I do not feel at liberty to express an opinion. It is true, however, that the recent indiscreet assault made upon certain public men, through the whig organ at Portland, leads many simple-minded people to think so, although it is stoutly denied in high quarters. You cannot regret more deeply than I do what has recently transpired; for surely the temple of justice is the last place whence should go out the means of kindling partisan strife, to irritate local or sectional feeling, or array the hand of man against his brother. Its mission is to dispense justice, and not to inflame the multitude; and the means to accomplish the one and suppress the other alike forbid forgetting that *reason* alone, and not passion, should ever minister at its altars. I advocate, for the present, no extreme measures; and yet, sir, it would not, to my mind, be evidential of revolution, or of the influence of the "pestilential breath of the demagogue," if you should not get alarmed at these paper decrees, and go forward in the decent discharge of your just duties as a legislator, without irritation from official insult; and unterrified by the attempted usurpation of power, which can injure no one but those who use it. The great body of the people whom you serve in these times, which may be well said to try and test the strength and fitness for station of all our public servants, will be loth, I apprehend, to bring or sustain the charges of folly and demagoguism against men who stand true to the public interests.

I am, sir, yours, very truly,

O. C. PRATT.

HON. SAMUEL PARKER,
President of the Council, Oregon Territory.

No. 6.

EXECUTIVE OFFICE, OREGON TERRITORY,
Oregon City, January 1, 1852.

SIR: I deem it my duty to inform you of the present position of public affairs in this Territory, and to ask your Excellency to direct the Attorney General to communicate his opinion upon the same, with a view of enabling me, as the executive power of the Territory, to discharge with intelligence the delicate duties which will devolve on me by the extraordinary course of action on the part of a majority of the members of the present Legislative Assembly.

During the last session of the Legislative Assembly, a resolution in the

following words, duly, on the 7th day of February, 1851, passed the Council, viz: "Resolved by the Council—the House concurring therein—That the Legislative Assembly of Oregon Territory will meet annually on the 1st day of December, in each year, at the seat of government."

This resolution was sent to the House, and duly passed that body on the 8th day of February, 1851.

Prior to this time, and about February 1, 1851, the same legislative body had passed "An act to provide for the selection of places for the location and erection of the public buildings of the Territory of Oregon." This act has been submitted to your Excellency; and the opinion of the Attorney General, that it was a nullity, has been received and communicated, through the press, to the inhabitants of the Territory.

On the first Monday in December, one member of the Council, Columbia Lancaster, and three members of the House, Messrs. Wail, Matlock, and Kinney, met at Oregon city, and temporary organizations of their respective houses was adopted. Some two or three days afterwards the number of House members was increased by the addition of Mr. Brownfield, from Puget's Sound. These temporary organizations continued for about two weeks, when, there being no prospect of a quorum of members at Oregon city, their bodies respectively adjourned *sine die*, and the members composing them returned to their homes. Whilst a portion of the members elect were thus at Oregon city, eight of the nine members which composed the Council, and eighteen of the twenty-two members which composed the House, assembled at Salem, in the county of Marion, on the first Monday of December, and organized as a legislative body, and are continuing to assume powers of legislation.

The rights of the Salem body to bind the people by legislation is questioned, upon the ground that, although that body is composed of a majority of the members of the Legislative Assembly in both houses, yet it is not assembled at the rightful place.

Under the provisional government, the legislative power was vested in a House of Representatives. (Vide Gen. Laws of Oregon, page 29.) That body, on the 19th December, 1845, passed an act, the 1st section of which is as follows: "Be it enacted, That the executive sessions of the House of Representatives be held at Oregon city until otherwise directed by law." That law continued in force up to the time of the organization of the Territory by act of Congress, and the legislature always assembled at Oregon city to do business.

By the 15th section of the act of Congress organizing the Territory, passed 14th August, 1848, it was enacted "that the Legislative Assembly of the Territory of Oregon shall hold its first session at such time and place in said Territory as the governor shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the Legislative Assembly shall proceed to locate and establish the seat of government for said Territory, at such time and place as they may deem eligible," &c.

Governor Lane appointed Oregon city as the place for the Legislative Assembly to hold its first session, and the Assembly met at that place, and at the time designated in his call, which was in the summer of 1849. The legislature passed no act at this session, upon the subject of the seat of government, and adjourned without even appointing a time or place for the next session.

An extra session of the legislature was held, pursuant to the call of the

governor, this same year, which body assembled at Oregon city and passed a number of laws. Before adjourning, this Assembly, by a joint resolution, resolved that the next session of the legislature should be held on the first Monday of December, 1850, without designating any place.

On the first Monday of December, 1850, the Legislative Assembly met at Oregon city. The journal of the Council commenced as follows: "*Pursuant to law*, the second regular session of the Council of the Territory of Oregon was commenced at Oregon city on Monday, the 2d day of December, A. D. 1850." The journal of the House commences as follows: "Monday, December 2, 1850. *Pursuant to law*, the second regular session of the House of Representatives of the Legislative Assembly of the Territory of Oregon was commenced this day, at Oregon city, in said Territory." (Vide journal local laws of Oregon, page 7 of the Council, and 3 of the House.)

At this session the act was passed which has heretofore been laid before your Excellency, and the resolution, a copy of which is given in the foregoing part of this statement.

No other action has ever been had by the Legislative Assembly in reference to the time or place of its assembling; and I know of nothing else that will bear upon this question unless it be the opinion of Judges Nelson and Strong, given at a term of the supreme court holden by them on the first Monday of December last, a copy of which is herewith sent to you.

It is now claimed by some of the members of the body at Salem, as well as others, that there is no seat of government in the Territory, and that therefore a majority of the members elect, of both houses, having assembled, by common consent, at Salem, have the right to hold a session of the legislature, and to bind the people by their acts. By a few it is claimed that the act fixing the seat of government at Salem is binding, though the almost universal opinion is that it is void.

I respectfully ask, therefore, that the government will instruct me at the earliest moment whether or no the legislative acts which the body at Salem assume to pass, are entitled to the force of laws. Controversies in respect to the library, and also in respect to various other matters, must inevitably grow out of the present state of things. The opinion of the government, I trust, will go very far towards settling the matter in the minds of all the good people of the Territory.

I should do injustice to the government if I did not, so far as in my power, communicate to it the information I possess in relation to the conduct of its officers in the Territory. Immediately after the receipt of the communication of your Excellency, enclosing the opinion of the Attorney General of the United States, on the validity of "the act to provide for the location and erection of public buildings," &c., and before the publication of that opinion, I showed it to Judge Pratt, who concurred with the Attorney General in opinion, and who then stated to me that the act was so clearly unconstitutional that there could be no two opinions about it. Judge Pratt in that interview, however, stated that there was a difference of opinion whether or no the law was not to be considered as good until the court had passed upon it. Judge Pratt was the first person whom I ever heard suggest this view of the case. The opinion of the Attorney General was published, I think, in August. On the 16th day of September, an article appeared in the columns of the Statesman, signed "Yam Hill," which number of the Statesman is also herewith sent to you. A short

time (and I think on the Friday) before the first Monday of December, an extra Statesman was published, containing an article signed "Emigrant," which article appeared also in the Statesman of the 2d December, 1851. Both of these communications were written by Judge Pratt, as he publicly avowed in the presence of several gentlemen, myself among the number. The Statesman of the 23d December contains another communication from Judge Pratt under his own signature, in reply to a letter purporting to be addressed to him by Samuel Parker, which paper is also herewith sent to you. Judge Pratt was not in attendance on the supreme court at Oregon city, but was at Salem, with the members who had gone there.

In order to enable you to examine the question without further reference, I send you herewith copies of the act of the Legislative Assembly, of my message in relation thereto, my correspondence with the Attorney General, besides the other documents before spoken of. In my judgment, the course pursued by Judge Pratt, in writing for the press, the great personal interest taken, and the activity manifested by him in this affair, joined with his personal intercession with members of the legislature, to induce them to adopt views different from those formerly entertained by them, has been the great if not the sole cause of the present anarchy that prevails in this Territory. I wish to state facts only to your Excellency, and to leave motives to be inferred from these facts.

I submit whether duty, if not policy, does not demand that an investigation should be made of Judge Pratt's conduct, so that if he has been guilty of gross impropriety, of attempting to forestall, through the press, the minds of the members of the legislature as well as others, upon a subject which he must have known would come up before him in his character as a judge; and if he has been attempting to destroy the efficacy of authority which, by his oath, he is bound to administer as well as support, such measures may be adopted by the government as will disarm him of making use of official influence for mischievous purposes.

I have the honor to be, very respectfully, your obedient servant,
JOHN P. GAINES.

His Excellency M. FILLMORE,
President United States, Washington City.

No. 7.

OFFICE OF ATTORNEY GENERAL,
March 22, 1852.

I have examined the letter addressed to you under date of 1st January, 1852, by the Hon. John P. Gaines, concerning the political affairs of the Territory of Oregon, which you were pleased to refer to me for an opinion, and report thereon.

It is unnecessary for me to repeat the statements made in that letter. It appears from them, that in January and February, 1851, a bill passed the two branches respectively of the Legislative Assembly of the Territory of Oregon, by which it was, among other things, enacted that the seat of government of that Territory, which had theretofore been the city of Oregon, should be thereafter established and located at Salem, in the county of Marion. This act is entitled "An act to provide for the selection of places

for location and erection of the public buildings of the Territory of Oregon," and contains further provisions for the establishment and location of a penitentiary at Portland, in the county of Washington, and of a University at Marysville, in the county of Benton, and for the appointment of certain named persons to constitute boards of commissioners to contract for and superintend the erection of the public buildings at Salem, and the penitentiary at Portland, and for the disposition and application of the means and money granted by Congress for any of these objects.

The consistency of this act with the organic law of the Territory, and its validity, became an immediate subject of controversy. The governor announced, in a written communication to the Legislative Assembly, his dissent to their act, and his convictions of its invalidity. The legislature persisted in its act, and adjourned without anything done to obviate the inconveniences and evils inevitably to result from such a state of things.

At the next stated meeting of the Legislative Assembly, its members, according to their respective opinions of the validity or invalidity of the said act for removal of the seat of government, &c., assembled, some at Oregon city, which had theretofore been the actual if not lawful seat of government, and others at Salem, the place designated as the seat of government by the said act.

Those that convened at Oregon city being few in number, soon adjourned; but the majority assembled at the new seat of government, Salem, there organized as a legislative body, and at the date of Governor Gaines's letter to you, had assumed, and have since, probably, proceeded to exercise legislative powers.

Some time in the last year, and soon after you were apprized by the governor of the passage of the disputed act for the removal of the seat of government of the Oregon Territory, you were pleased to require my opinion as to the validity of that act; and in my letter to you of the 23d day of April, 1851, I expressed the opinion, and stated the grounds on which it was formed, that the act was inconsistent with and in violation of the organic law of the Territory, and was void.

Since that time the supreme court of the Territory has decided to the same effect, and that Oregon city was, according to law, the seat of government. When this decision was rendered, the court consisted of but two judges; the third was absent, and, through several articles and arguments published in newspapers, has made his dissent known.

By the organic law, the supreme court is required to be held "at the seat of government;" so that the question, "where is the seat of government?" is equally applicable to the court and to the legislature, and equally affects both.

Thus it appears, that the act of January and February, 1851, for the removal of the seat of government from Oregon city to Salem, is regarded by the governor as repugnant to the organic law, and void; that it has been solemnly so decided by the supreme court of the Territory, and that Oregon city is the lawful seat of government; that the court is accordingly holding its session there, and proceeding in the discharge of its judicial duties; while a large majority of the members elected to the present Legislative Assembly, adhering to the said act of the preceding Legislative Assembly, has assembled at Salem, insists that that is the seat of government, and has there organized as a legislative body, and has assumed and exercised legislative powers.

Such, sir, is the state of affairs in Oregon, as will more fully appear from the documents which you were pleased to refer to me.

From such a conflict of the public authorities, the most unhappy consequences can alone result; controversy and confusion and high excitement are represented as having already spread through the Territory, and these evils must increase in the course of time, if some remedy be not applied.

The members elected to the Legislative Assembly, who have assembled and organized at Salem, refuse all respect and conformity to the decision of the supreme court of the Territory; and that court having decided that the meeting of the Assembly at Salem was illegal, will, as a plain consequence, regard and hold all their acts as nullities.

The source of all these troubles is the act, so often alluded to, for the removal of the seat of government and for other purposes.

Having, as before stated, given my opinion as to the legal validity of that act, in my letter to you of the 23d day of April, 1851, I have now only to refer you to that letter.

There is no other question of law involved in the case as now presented, and therefore I ought, perhaps, to conclude here. But you will excuse me for suggesting that I see no proper remedy for the state of things existing in Oregon, but that which must be found in the wisdom and power of Congress.

By its supreme authority Congress can put an end to the disputed question about the seat of government, and can dispose of all the other minor or incidental questions which have sprung up and contributed to the disorder and confusion that now prevail in Oregon.

It would seem to me, therefore, to be proper for the President to recommend such a course to Congress, and to communicate to them all the information in his possession relating to the subject.

I venture on these suggestions with diffidence, as being, perhaps, beyond the ordinary limits of my official duties. They are, however; most respectfully submitted to your better judgment.

I have the honor to remain, with great regard, yours, &c.,

J. J. CRITTENDEN.

To the PRESIDENT.

P. S.—The papers submitted to me are all returned herewith; and I send you also a copy of my former opinion, contained in my letter of the 23d of April, 1851, above referred to.

J. J. CRITTENDEN.

INDIAN AFFAIRS IN TEXAS IN 1849-1850

Senate Ex. Doc. No. 1, 31st Cong. 2d Sess.,
Part 2, 1850.

EXECUTIVE OFFICE, *Austin, December 14, 1849.*

SIR: Being about to retire from office, I feel it to be my duty to invite your attention to the state of our relations with the Indians upon our borders, and to avail myself of the occasion to present some views and considerations connected with the protection and defence of our frontiers against their incursions, which have suggested themselves to me during a residence of many years in this country, and especially those with which I have necessarily become familiar during my administration of the government of this State.

It is known to you that Texas has a sparsely settled frontier, nearly one thousand miles in extent, commencing on Red river at about the 33d degree of north latitude, and pursuing generally this parallel to the Rio Grande, and down that stream nearly to its entrance into the gulf. The settlers upon this line, throughout its extent, are exposed to Indian depredations and outrage at every point, without exception; and they are at this time, and have been for the last four years, as well as previously to that time, subject to these depredations and the victims of these outrages, except so far as they have been protected by the forces of the United States, which force has ever been, and is especially at this time, wholly inadequate to insure them protection or security. I do not wish to be understood as expressing the opinion that a force adequate to a successful prosecution of a war against the Indians, either in its number or appointments, is by any means necessary, entertaining the opinion, as I do, that a war with them should be avoided so long as such a course would not jeopard the safety of our citizens. The difficulties which would attend it are obvious and manifold. The country which they inhabit is immense in its extent, and far the greater portion of it ill adapted to the operations of organized forces, the first affording them opportunities for dispersion so as to elude pursuit, and the latter the means of retreating where they could scarcely be reached. A war with them would necessarily be protracted, require much hard service, and involve an immense expense to the nation.

I am therefore clearly of the opinion, that to avert a rupture with them is the interest of the country, second only to the paramount interest she has in the protection of the lives and property of her citizens. The inquiry, then, is, how shall we attain both these important ends? No other plan, I respectfully conceive, is so certain to secure these as the presence of a strong force along a line drawn from Red river to the Rio Grande, sufficiently strong to keep up a continual intercommunication along it, and capable of moving with promptness and celerity. This is not intended as any disparagement of the troops now engaged in this service; on the contrary, I have no hesitation in saying that they have rendered good service, and as efficient as could have been expected under the circumstances. A considerable portion of this force, being infantry and artillery, is wholly unadapted to the peculiar service required against these tribes, who by many successful forays have possessed themselves of large herds of horses, and who move uniformly upon horseback and with great celerity. Companies are stationed from fifty to one hundred miles distant from each other, along a line running, as I have before said, through a sparsely settled region, and intersected at numberless points by a character of country well calculated to shelter their approach and afford them an undetected ingress into the settlements, where, in obedience to their savage instincts, they plunder and murder, and, before troops can be had from

any station, they are beyond the reach of pursuit and secure in their fastnesses.

The citizens on our southwestern frontier are, from the nature of the country, more exposed to depredations than at any other point, and necessarily require more troops, and which should be of the proper kind, and placed in proper positions; the intermediate country between the San Antonio river and the Rio Grande, with dense chaparrals, affording in many places safe retreats for Indians until they are prepared to escape, and, indeed, where they can and have lived for years. This is the character of a great portion of the country between these rivers from near their entrance into the gulf, extending back to the vicinity of San Antonio and Laredo. The settlers in this portion of Texas are principally engaged in the business of raising stock, and by far the larger portion of what they are worth consists in this species of property, and against which the acts of depredation on the part of the Indians are principally directed as their means of subsistence and movement, but principally on account of the facility with which its transportation can be effected.

There have been at least one hundred and fifty persons killed in the vicinity of Corpus Christi within a year, an incredible amount of property carried away and destroyed, and the settlers in many instances entirely broken up and driven from their homes.

The utter futility of all mere treaty restraints with such a people, without fixed habitations or pursuits, or the means of offering adequate guarantees for their observance, and into whose social system the right to steal and kill is incorporated as fully as their right to breathe the common air, needs no demonstration. The history of the past is pregnant with its confirmation. They can only be restrained by motives of fear, awakened by the presence of a power ready and able to punish them. The condition of things alluded to must and will continue, unless arrested by a military force adapted to and adequate for the purpose.

As an important auxiliary means of protection, I would respectfully suggest the establishment of a government depot at Corpus Christi. The transportation of government stores from that point to all the different posts along the western end of the line, would have a tendency to give confidence to the settlers; and the escorts necessary to guard the transportation trains in and out, would, with a very small additional force, give complete protection to this entire section now so much exposed, and which has already suffered so severely in the loss of life and property.

It affords me much gratification to express the opinion which I have ever entertained of the disposition of the present administration to mete out ample justice to Texas in the protection of her citizens against savage cruelty and violence, but I cannot in justice to my fellow-citizens, or to my own sense of duty, permit my term to expire without submitting to the federal authorities my views in relation to this important subject, and giving such information as I know cannot fail to be useful, and which I am allowed to conclude has not heretofore been in their possession. I have thus endeavored briefly to present my views for your consideration, confident that such action will be had in the premises as may be just and proper.

I have the honor to be, your very obedient servant,

GEO. T. WOOD.

To Hon. GEO. W. CRAWFORD,

Secretary of War.

WAR DEPARTMENT,
Washington, January 19, 1850.

SIR: I have the honor to acknowledge the receipt of your communication of the 14th ultimo, postmarked the 21st, and received on the 17th instant.

Its purposes are, as it appears to me, to show that the protection of the frontier of Texas, and about one-third of its settled territory, is insufficient, from the want of numerical military force, its adaptation to the repulse of the neighboring tribes of Indians, and the establishment of a military depot at Corpus Christi.

As regards the amount of force employed in Texas and its equipment for the repulse or pursuit of the Indians, I am sure your Excellency could not have made a comparison of what has been done for Texas and for other portions of the United States which are equally exposed to the same or greater dangers from the same kind of assaults. Nor is it supposed that you could have fully considered the comparative strength of the military engaged in protecting the Texas frontier whilst she was a republic and since her annexation to the United States. It is believed that whenever the comparison is instituted, the result will be according to the ratio of one to seven. Or even in respect to the mounted force, which it is admitted is to some extent necessary, that whilst the disproportion would be less, still it would be so striking that the conclusion would be inevitable, that if Texas be not now properly protected as a State, as a republic she was more inadequately defended.

The establishment of military depots must necessarily depend, in a great degree, on the judgment of the officer who is in command of the department, and who must be presumed to be fully informed as to the facilities and wants of each place. But I should think the establishment of a military depot at Corpus Christi, on the gulf, whilst the plundering Indians are in the north at a distance of about one hundred and sixty miles, with an intervening settlement, would be wholly indefensible as a military operation.

Permit me to suggest to your Excellency whether the danger of Indian depredations and incursions may not have been increased in consequence of the undefined condition of the enjoyment of the Indians to lands westward of the line of military posts in Texas. I respectfully present this question, as it has been brought to the attention of this department by the inquiry of the commanding officer in Texas. It is not contemplated to interfere; in the remotest degree, with the jurisdiction of Texas; but whilst that State is thus extending her laws without any recognition of the occupant right of the Indians, it must be apparent that the latter must either recede or be annihilated. In making this suggestion of a probable result, and in reference to the views expressed by your Excellency as to the best mode of avoiding Indian disturbances, it is the wish of this department to have the coöperation of Texas in producing that condition which may give repose to the people of the State, by the application of gentle measures towards their savage neighbors.

I have the honor to be, very respectfully, your obedient servant,

GEO. W. CRAWFORD,

Secretary of War.

His Excellency GEORGE T. WOOD,

Governor of Texas, Austin, Texas.

WASHINGTON CITY, August 30, 1850.

SIR: Agreeable to promise, I have the honor to submit for your consideration my views and opinions as to the line of policy most likely to secure the frontier settlements of Texas against the incursions of the numerous tribes of hostile Indians constantly committing depredations upon the lives and property of our citizens.

I have looked to this subject with intense anxiety, especially for the last two or three years, and I am exceedingly gratified at the intimation that the department has been pleased to make of its inclination to listen to the suggestions of one who cherishes feelings of the deepest anxiety and solicitude for the safety of our frontier inhabitants, and for their permanent security against the ruinous depredations of these Indians; depredations, too, which have been yielded to with so much patience by our suffering citizens, whilst we were not permitted to doubt the ability of the general government to afford us an ample protection against those ravages; yet, at the same time, we cannot close our eyes to the melancholy fact that the exercise of this power has hitherto fallen very far short of accomplishing the end so desirable; and although this paramount object has not yet been achieved, I feel warranted in the assurance, on the part of those whose interest I represent, that the utmost confidence is felt in the justice of the general government. The people of Texas are not disposed to ascribe the failure of the government to extend that security to life and property on the frontier in question which, as citizens of one and the same great nation, we had every reason to expect, to any feeling of indifference on the part of those charged with that duty. They are rather persuaded that the failure may be ascribed to the peculiar character and great extent of the country to be protected, as well as to the character and number of savages to be held in check. The Indians inhabiting the immense regions on the western borders of Texas are different from any with which the government has hitherto had any intercourse. They are for the most part wild and uncivilized; roaming at will over the vast prairies; having no fixed habitations; and having, as far back as we know anything of them, gratified every impulse of their savage nature by the most heart-rending acts of violence upon the defenceless Spanish settlements of the west, and never, until recently, come into contact with a force capable of holding them in subjection, and of course they yield with great reluctance. Hence, it is not remarkable that the government should find it necessary to pursue a policy towards them more vigorous and efficient than that hitherto pursued in reference to other tribes of Indians.

Texas has a very extended line of frontier settlements; beginning, as they do, on Red river about where it is crossed by the 34th parallel of north latitude; stretching thence over a large prairie region to El Paso, on the Rio Grande, a distance of six or seven hundred miles; thence down that stream to its entrance into the Gulf of Mexico, eight or nine hundred miles further; besides, it is found necessary to employ considerable force for the protection of the inhabitants between the lower Rio Grande and the San Antonio rivers, from the gulf coast for at least one hundred miles up those streams. This, too, is one of the best and most desirable portions of the State, and already contains a population of ten or fifteen thousand inhabitants, and some of the most flourishing towns and villages in the State, liable every day to be sacked and burnt by hostile Indians.

This lower region of country is mainly prairie, yet large portions of it are covered with dense *chaparral* or *thicket*, affording a safe retreat to the Indians, and rendering successful pursuit exceedingly difficult. The population is confined mainly to the valley of the Rio Grande and to Corpus Christi and its vicinity, with occasional settlements on the Nueces and San Antonio rivers; whilst the intermediate country, though highly fertile, is regarded as too unsafe for settlement. This must continue to be the case so long as the government continues her present policy. The reason is obvious; for, besides affording to the savage a safe retreat, it affords every inducement and facility for plunder and subsistence, abounding, as it does, in every species of game common to the western country; and, in addition to the game, it is filled with stock, horses, and cattle in countless numbers. And that this state of things must and will continue to exist so long as the Indians are permitted to inhabit or visit this region, cannot admit of a reasonable doubt. The settlements cannot advance in safety without an armed force at every man's door; whilst the inducements to plunder and murder will continue to increase.

I am aware that, in what I may have to suggest touching the best means of giving protection to the frontier of Texas, I may not only come into collision with the long-established opinions of many as to the best mode of accomplishing the object, but also with the opinions of those in Texas whose pecuniary interest may possibly be affected by the change here proposed. Nevertheless, a faithful discharge of duty towards the frontier inhabitants of that State, not less than just sentiments of humanity, impels me to a full avowal of my views upon the whole question—a question which involves in its issue not only the interests of ordinary pursuits, but the very vitality of our frontier settlements.

With these preliminary remarks, I will proceed to submit for the consideration of the department such suggestions as, if adopted, can scarcely fail to insure peace and security to our frontier—an object we have so long vainly desired to see accomplished.

And first I would suggest the propriety of establishing a *permanent line of posts* along our northwestern frontier, beginning at some point on Red river in the neighborhood of the 34th parallel of latitude, stretching thence in a direct line, as near as may be, to El Paso on the Rio Grande; or, if thought more advisable on account of procuring supplies, it might be well to cross the Brazos river at about the 33d parallel, conforming somewhat to the settlements, and thence in a general direction to El Paso. Occupy this line of posts by a strong cavalry or mounted force, in connexion with such infantry forces as may be necessary for the protection of the posts and government stores whenever the mounted force may be in active service. Cause all the Indians south of this line to be removed north of it, with an express understanding that the moment they cross this line they will be regarded as hostile and chastised with severity.

The removal of the Indians to the northward of this line can easily be effected either by treaty or force. The main difficulty will be in keeping them north of this line after they shall have been so removed. As to the forces requisite for the defence of this line, that is a matter which must be determined by the department. I entertain no doubt, however, that it would be economy on the part of the government to employ at once at least two regiments of mounted troops, armed with rifles and revolvers. Such a force would at once secure protection, restore confidence, and con-

WASHINGTON CITY, August 30, 1850.

SIR: Agreeable to promise, I have the honor to submit for your consideration my views and opinions as to the line of policy most likely to secure the frontier settlements of Texas against the incursions of the numerous tribes of hostile Indians constantly committing depredations upon the lives and property of our citizens.

I have looked to this subject with intense anxiety, especially for the last two or three years, and I am exceedingly gratified at the intimation that the department has been pleased to make of its inclination to listen to the suggestions of one who cherishes feelings of the deepest anxiety and solicitude for the safety of our frontier inhabitants, and for their permanent security against the ruinous depredations of these Indians; depredations, too, which have been yielded to with so much patience by our suffering citizens, whilst we were not permitted to doubt the ability of the general government to afford us an ample protection against those ravages; yet, at the same time, we cannot close our eyes to the melancholy fact that the exercise of this power has hitherto fallen very far short of accomplishing the end so desirable; and although this paramount object has not yet been achieved, I feel warranted in the assurance, on the part of those whose interest I represent, that the utmost confidence is felt in the justice of the general government. The people of Texas are not disposed to ascribe the failure of the government to extend that security to life and property on the frontier in question which, as citizens of one and the same great nation, we had every reason to expect, to any feeling of indifference on the part of those charged with that duty. They are rather persuaded that the failure may be ascribed to the peculiar character and great extent of the country to be protected, as well as to the character and number of savages to be held in check. The Indians inhabiting the immense regions on the western borders of Texas are different from any with which the government has hitherto had any intercourse. They are for the most part wild and uncivilized; roaming at will over the vast prairies; having no fixed habitations; and having, as far back as we know anything of them, gratified every impulse of their savage nature by the most heart-rending acts of violence upon the defenceless Spanish settlements of the west, and never, until recently, come into contact with a force capable of holding them in subjection, and of course they yield with great reluctance. Hence, it is not remarkable that the government should find it necessary to pursue a policy towards them more vigorous and efficient than that hitherto pursued in reference to other tribes of Indians.

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I am aware that, in what I may have to suggest touching the best means of giving protection to the frontier of Texas, I may not only come into collision with the long-established opinions of many as to the best mode of accomplishing the object, but also with the opinions of those in Texas whose pecuniary interest may possibly be affected by the change here proposed. Nevertheless, a faithful discharge of duty towards the frontier inhabitants of that State, not less than just sentiments of humanity, impels me to a full avowal of my views upon the whole question—a question which involves in its issue not only the interests of ordinary pursuits, but the very vitality of our frontier settlements.

With these preliminary remarks, I will proceed to submit for the consideration of the department such suggestions as, if adopted, can scarcely fail to insure peace and security to our frontier—an object we have so long vainly desired to see accomplished.

And first I would suggest the propriety of establishing a *permanent line of posts* along our northwestern frontier, beginning at some point on Red river in the neighborhood of the 34th parallel of latitude, stretching thence in a direct line, as near as may be, to El Paso on the Rio Grande; or, if thought more advisable on account of procuring supplies, it might be well to cross the Brazos river at about the 33d parallel, conforming somewhat to the settlements, and thence in a general direction to El Paso. Occupy this line of posts by a strong cavalry or mounted force, in connexion with such infantry forces as may be necessary for the protection of the posts and government stores whenever the mounted force may be in active service. Cause all the Indians south of this line to be removed north of it, with an express understanding that the moment they cross this line they will be regarded as hostile and chastised with severity.

The removal of the Indians to the northward of this line can easily be effected either by treaty or force. The main difficulty will be in keeping them north of this line after they shall have been so removed. As to the forces requisite for the defence of this line, that is a matter which must be determined by the department. I entertain no doubt, however, that it would be economy on the part of the government to employ at once at least two regiments of mounted troops, armed with rifles and revolvers. Such a force would at once secure protection, restore confidence, and con-

vince the savage that he can no longer commit his depredations with impunity. It must be borne in mind that the country through which this line is to pass is a vast prairie region, with which the Indians are perfectly familiar; that they move altogether on horseback, and hence the necessity of having an active cavalry force to pursue and punish them. Nothing, indeed, can be more manifest than the utter inadequacy of infantry troops to hold in subjection an enemy of this character—an enemy which, instead of relying upon their strength in battle, make rapid forays into the settlements, plunder and murder their defenceless inhabitants, and fly to their mountain homes with almost incredible celerity.

In addition to the establishment and defence of this line, it will also be found indispensably necessary to employ a small force of a similar character in the vicinity of Corpus Christi, the Nueces valley, and along the lower Rio Grande from Brownsville to Laredo, in order to defend this region against such Indians as cross over the Rio Grande above El Paso, and make their way down that river on the Mexican side, recrossing and entering our settlements on the lower Rio Grande.

But, the policy above indicated once adopted, the necessity for troops in this quarter will soon give way. The confidence which a policy of this character must inspire will at once invite an emigration along the northern line, which in a very brief period will form an effectual barrier against any probable aggression or hostile incursion into the lower country.

Having thus briefly submitted my views in reference to the protection of our frontier, without going into such detail as would extend this communication to too great length, I would merely add that I do not wish to be understood, in any suggestions I have made, as intending to detract from the merits of the officers or soldiers of the United States charged with the defence of our frontier; on the contrary, I regard them as the most efficient arm of public defence in the world when operating against an enemy where their efficiency can be made available. But it is well known that the Indians who infest our borders are the best horsemen in the world, use the bow and arrow with greater readiness and effect, that they travel altogether on horseback, and with great celerity of movement. It will also be borne in mind that the larger portion of the forces employed in our defence are either infantry or artillery corps—the former being wholly unfitted for the character of service needed; and the latter can only be efficient when the enemy may choose to come within range of their guns.

I have the honor to be, very respectfully, your obedient servant,

GEO. T. WOOD.

Hon. C. M. CONRAD,

Secretary of War, Washington, D. C.

No. 1.

HEADQUARTERS EIGHTH DEPARTMENT,

San Antonio, January 10, 1850.

GENERAL: I have the honor to forward a communication from Major J. Van Horne, 3d infantry, dated the 8th November, with two enclosures—one from Governor Trias, of Chihuahua, to the inspector of military colonies at Paso del Norte; and the second, from the last-named officer,

in relation to the conduct of an American, named Leaton, near the Presidio del Norte, who is charged with furnishing the Indians with arms, powder, and lead, and who also purchases property stolen from Mexicans.

You will also receive a communication addressed to his Excellency P. H. Bell, governor of Texas, on this subject.

I shall inform Major Van Horne of the steps which have been taken to redress this evil, and, at the same time, instruct him to inform Governor Trias of the difficulties which have prevented the government of the United States from carrying out faithfully and honorably the specifications of the treaty of peace with Mexico. I shall, at the same time, instruct Major Van Horne to say that we ourselves have the most serious and grave causes for complaint against the high authorities of Chihuahua, particularly in reference to the employment of Americans in making war on the Apaches and other Indians, not only in Mexico, but on the territory of the United States on this side of the Rio Grande, whereby the Indians have been made to believe that the American government approve of those aggressions. The consequence is, that many of our citizens have been murdered and robbed by the Apaches and other Indians, and the whole route between this and New Mexico and California, in our own country, has become extremely dangerous to travel, unless accompanied by strong and expensive military escorts, when, before the violation of our soil and the employment of *unexpatriated* Americans, there was peace and security as far as El Paso positively, and to Santa Fe and California but few disturbances; whereas now all the tribes are greatly inflamed and revengefully hostile.

You will perceive the strong opinion which Major Van Horne expresses in favor of the establishment of a new post in the neighborhood of the Presidio del Norte. I approve entirely of his views in this matter, believing that the post should be established as early as possible, and a pretty strong one. I have to regret that it is out of my power to meet his views in the construction of this new post, from the want of means, as my force is too small already to be weakened by a further extension.

I am, very respectfully, your most obedient servant,

GEO. M. BROOKE,

Brevet Major General.

Brevet Maj. Gen. R. JONES,

Adjutant General, Washington, D. C.

No. 2.

HEADQUARTERS POST OPPOSITE EL PASO, NEW MEXICO,

November 8, 1849.

SIR: Mr. Benjamin Leaton is at present on a visit here from Presidio del Norte, two hundred and fifty miles below this. He says that he had, for the last year or two, endeavored to gather the Apaches about there, advising them to preserve friendly relations with the United States, and hoping that an Indian agent would be along there to make a treaty with them. He also says that we came through the midst of them—their warriors numbering about eight hundred—and to his advice to them not to disturb us he attributes the fact that they did not molest us. Immediately after we

had passed, however, the party of American outlaws, under Glanton, crossed at his station, and, after attacking the Indians, and with difficulty escaping, returned by Leaton's again, on their way to Chihuahua. This, Leaton says, has made them hostile to him, and to all Americans, as they do not know any distinction between Glanton's party and any other Americans. He says that all the settlers on our side, except himself, have gone to the other side; that he considers his position very unsafe, and urges strongly that government should have troops there. He thinks it was some of Gomez's party who made the attack at Janos.

Leaton desires me strongly to urge the necessity of having troops at Presidio del Norte, to restrain the inroads of the Indians upon the Mexican territory.

Since writing the foregoing, I have received a communication from Colonel Laugberg, Mexican commandant, El Paso, enclosing another from Angel Trias, governor and commandant general of the Mexican general government, dated Chihuahua, October 10, in which great complaint is made of Ben. Leaton for trading with the Apaches and Comanches, and giving them powder, and lead, and guns, &c., in exchange for animals and other property which the Indians steal from the Mexicans—thus encouraging the Indians to continue their depredations in Mexico, and violating the treaty of peace, which forbids this. They urge strongly that the United States government should put a stop to this.

I take the liberty to enclose these documents to you, at the pressing request of Colonel Laugberg, as it relates to matters in your department. On inquiry, I think there is no doubt but that Leaton deals extensively in buying mules and horses stolen by the Indians from the Mexicans, and in trading them off. The Torrys and others carry on the same traffic; and the Indians are extensively supplied by traders at Santa Fe, San Miguel, &c., with arms and ammunition, in exchange for animals, &c. Many of those traders rove about among the Indians, and live with them.

It is highly probable that the Presidio del Norte will be an important point on the great route of trade from San Antonio, Lavaca, Corpus Christi, &c., to Chihuahua, Durango, &c., which is an additional reason why troops should be stationed there.

I am, sir, very respectfully, your obedient servant,

J. VAN HORNE,

Brevet Major 3d Infantry, commanding.

Major GEORGE DEAS,

Asst. Adjt. General 8th Military Department, San Antonio, Texas.

No. 3.

[Translation.]

MILITARY DISTRICT, STATE OF CHIHUAHUA,
Chihuahua, October 10, 1849.

The American, Leaton, who resides on the opposite bank of the Rio Grande, near Presidio del Norte, has, for some time past, been committing a thousand abuses, and of so hurtful a nature that he keeps an open treaty with the Apache Indians, in opposition to what he has been ex-

pressly advised not to do. He has been repeatedly charged with this depraved conduct; but it has been impossible to put a stop to it in a satisfactory manner, as he does as he pleases, without respecting either the authorities of that presidio or the laws of the country. These abuses are reported every day, as you will see by the accompanying letter. Leaton is, besides, a man entirely wanting in respect, as he never satisfies the just claims which are made upon him, as has occurred in the case of a demand made upon him for a horse which he took from a captive who, a few days since, made his escape from the power of the Indians—to which affair the same letter refers. I have advised the supreme government of the whole matter, as Leaton does not conform to the jurisdiction of New Mexico; but, desiring that the abuses be checked, until I can hear of the resolution of the government, and whether the commander of the American forces nearest this city has jurisdiction over the individual referred to, I hope that you will bring this subject, and the contents of the letter, before the American commander, in order that he may take such steps as are necessary and in conformity with the treaty of peace.

I renew to you the assurances of my esteem.

God and liberty!

ANGEL TRIAS.

To the INSPECTOR charged with the Military Colonies, Paso.

I certify this to be a copy of the original.

LAUGBERG.

A free translation, by

GEO. DEAS,

Assistant Adjutant General.

SAN ANTONIO, January 6, 1850.

No. 4.

INSPECTION OF MILITARY COLONIES OF THE STATE OF CHIHUAHUA,
Paso, October 23, 1849.

SIR: The enclosed communication from the commandant general of the general government of Mexico has been transmitted to me. From it you will perceive that various complaints have been made against a person residing opposite the Presidio del Norte, calling himself Ben. Leaton, and the place of his residence Fort Leaton. Among the complaints which have been made against this person, and, in fact, the one to which I chiefly desire to call your attention, is the trade which he continually carries on with the Apache and Comanche Indians. I need hardly state the fact to you that the Indians are continually engaged in murdering, robbing, and plundering the citizens of this country; it is not, therefore, not only probable, but positive proof is in the hands of the commandant general, that a great portion of this illicit traffic consists in the selling and purchasing of the very goods and property of the citizens of this country, and of which they have been robbed by these Indians. But the evil consists not only

in this: in return for the plunder which this person takes from the Indians, he furnishes them with arms, powder, lead, and other articles of ammunition. This, in itself alone, would be sufficient grounds for a complaint against this individual to you, inasmuch as a citizen of the United States, a country with which this republic is upon the most friendly terms, furnishes these Indians, who are at war with this country, with the means to carry on the war.

But how much stronger is the case against this individual when you take into consideration the eleventh article of the treaty of peace between the two governments, by which the government of the United States binds itself to protect this frontier from the incursions of these Indians.

I therefore respectfully request you to take this matter into consideration, and to inform me whether, by virtue of your office, you can take any steps to prevent a recurrence of these outrages, or, if not, who is the proper person to address myself to.

I am, very respectfully, your obedient servant,

EMILIO LAUGBERG,

Inspector and commanding officer.

Major JEFFERSON VAN HORNE,
Commanding, &c.

No. 5.

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, January 10, 1850.

GOVERNOR: I have the honor to enclose, for the information of your excellency, a communication from Major Van Horne, third infantry, commanding at El Paso del Norte, with two enclosures—one from Governor Trias, of Chihuahua; and the other from Colonel Emilio Laugberg, in relation to the conduct of a Mr. Ben' Leaton, an Indian trader, opposite the Presidio del Norte.

I have no doubt, from the opinion expressed in Major Van Horne's letter, that the acts charged are true; and I have respectfully to ask the interference of your excellency's aid and authority in endeavoring to put a stop to this Indian trader's conduct, which is in violation not only of the treaty of peace between the United States and Mexico, but in endangering the lives and property of our own citizens and others, pursuing their peaceful travel and business in our own country, and on our own soil. I have, at the same time, no doubt but that all the Indian traders in Texas are more or less engaged in the nefarious, illegal, and injudicious traffic complained of in the case of Leaton.

You will also receive an extract from a communication of the 20th of August last from the Adjutant General of the army, addressed to me by order of the Honorable Secretary of War, particularly on the subject of Indian traders.

To carry out the views of the War Department, I am ready at all times, and with great pleasure, to aid and assist in the execution of such

measures as your excellency may deem necessary and proper, with the force under my command.

I am, with high consideration, your excellency's obedient servant,

GEO. M. BROOKE,

Brevet Major General.

To his Excellency P. H. BELL,
Governor of Texas, Austin.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, January 20, 1850.

GENERAL: I have to report that the murderous and thieving disposition of the Indians on this frontier has become more marked, in its frequency, boldness, destruction of life, and the stealing of property.

On the 11th instant, a Major Bryan, who had been sent from Austin by Governor Bell to muster out of service the two companies of rangers called into the service of the State last summer by Governor Wood, was murdered by Indians, about six miles from Refugio, and thirty-five miles below Goliad. In consequence of the murder of the four persons near Castroville, as previously reported, Captain McCown's company of rangers was ordered into that neighborhood, for the further protection of the settlements; and this party of Indians must have secreted themselves in such a manner as to elude observation, and, on the moment of the departure of this company, must have taken advantage of its absence, in killing the major, and stealing nearly four hundred horses.

Information of these acts has been forwarded to Captains Grumbles and Ford, who, it is hoped, will be able to fall in with those Indians, and inflict a proper chastisement. The commanders of posts along the frontier have also been apprized of these atrocities, with orders to endeavor to intercept the marauders.

With a view to secure the safety and protection of the inhabitants of that country, and to enable me to disband the volunteers, a new post had been ordered to be established on the Nueces river, below the junction with the Rio Frio, by two companies of the first infantry, drawn from Fort Brown. The execution of the order will, no doubt, greatly attain the object; but, at the same time, under the present appearances, I must confess, that to discharge the volunteers before these Indians have been most severely retaliated on and punished, through their nations, would incur a risk and danger which might involve the most serious distress and misfortune. Knowing the smallness of our army, and the great inconvenience of leaving one part of the country unprotected to secure another part, I have not asked for an increase of the forces in this department; but I have been, and am now, fully aware that the number of troops in this country, considering its very extended frontier, is not equal to its proper and just requirements.

I have also just received information that a soldier of the first infantry was killed on the 31st December, within half a mile of Fort Duncan, by Indians.

Information has also come to hand, this morning, that a party of Tonkaway Indians had been stealing horses in the settlements near Fort Gates; they were pursued, all the horses recaptured, but the Indians

themselves escaped by jumping from their horses and entering the chaparral.

Another party has also been pursued, (by a command of dragoons from Fort Croghan,) who have been stealing horses from the Brazos and Williss's Creek settlements—with what success, I have not as yet heard.

The commands from Fort Lincoln and Fredericksburg are still in pursuit of the Indians who committed the murders near Castroville.

As the season of the year is now fast approaching in which the Indians have been most in the habit of committing their depredations, it is to be feared that an increase of these atrocities may be expected; every exertion, however, will be made to meet them that can be effected by zeal and energy.

I have the honor to be, general, your most obedient servant,
GEO. M. BROOKE,
Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington city, D. C.

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, January 31, 1850.

GENERAL: I have the honor to enclose a copy of a communication of the 30th instant, addressed by me to his Excellency P. H. Bell, governor of Texas. I regret that, for the reasons therein stated, it is not in my power, with a due protection of the frontiers, to discharge the volunteer companies lately called into service. Were they mustered out of service, the same tragic scenes would be re-enacted, if not greatly increased and multiplied. In many instances the frontier settlements would be abandoned; new improvements destroyed, which are now expanding; and all emigration checked and terminated. I can assure you this determination has been induced by an honest and perfect conviction of its necessity—the preservation of life and property, and the obligations of protection which belong to a new, defenceless, and frontier country. I had hoped that the erection of a post on the Nueces, with two companies from the 1st infantry, (one mounted,) would have enabled me to have dispensed with the services of the volunteers; but the instant movement of one of them to another part of the country, which had just been the scene of four murders and the destruction of some property, was immediately taken advantage of by the Indians—a valuable citizen was assassinated, and a large number of horses run off.

In both instances of the murders at Castroville and the Refugio, strong parties were sent in pursuit—one from Fort Lincoln, another from Fort Martin Scott, and the third from the Nueces—the two first, 2d dragoons; and the latter, Grumble's company of volunteers. The trails of the Indians were followed for more than one hundred miles beyond the frontier, but, in consequence of the prairies having been fired, the trails were lost. The want of subsistence for the horses, and the dispersion of the Indians in the mountains, forbade a further pursuit, and the scouts have returned without the success due to their exertions. It was found that the Indians travelled day and night, and, from the number of dead horses left

on their trail, their flight was so rapid as to leave but little hope of overtaking them.

I am, very respectfully, your most obedient servant,
GEO. M. BROOKE,
Brevet Major General.

To Brevet Major General R. JONES,
Adjutant General, Washington city, D. C.

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, January 30, 1850.

GOVERNOR: The term of service (six months) for which the three volunteer companies of mounted rangers from this State were called out being soon to expire, I have determined to offer those companies a renewal of their engagements for six months more, unless sooner discharged by order of the President of the United States. The murders and robberies lately repeated by the Indians, and the season now approaching when a renewal of the same atrocities may be expected, the exigencies of the case appear to me to demand the continuance of the force already in service until either treaties are made with the Indians, whereby a better understanding may be had, or the regular force increased, which will alone justify me in dispensing with any part of the volunteers now in service. I have, therefore, the honor to ask your excellency for your approbation in the remustering into service, for the period of six months, as referred to above, the three companies of mounted men now in service, and, in the event of their not wishing to continue in the field, to call on your excellency for three companies, organized in the same manner as those now employed, to be mustered into service as the period of duty for which each of the present companies were engaged respectively may expire. The interest of the service, with the proper protection of the country, induces me to prefer the remustering into service the volunteers already in the field, as they now occupy the ground upon which the new companies would act, and no absence of the continued protection of the country would occur.

Besides this, the present companies of rangers have become perfectly acquainted with the country, whilst both officers and men have acquired a better knowledge of their military duties. In justice to the companies of Captains Ford, Grumbles, and McCown, with their officers, I take great pleasure in acknowledging their energy and perseverance in the most active scouting and pursuit of the savages, with a perfect obedience in the execution of all orders, and in connexion with a due subordination of regular troops.

As but a short time will elapse previous to carrying out the views expressed above, the earliest answer to this communication which your convenience will allow will be particularly acceptable to me.

I am, with high consideration, your excellency's most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

To his Excellency P. H. BELL,
Governor of Texas, Austin.

P. S.—I have submitted the proposition of re-entering the service to the captains of the companies, and, so soon as their decisions are received, I will immediately advise you on the subject.

G. M. B.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, March 7, 1850.

GENERAL: I have the honor to enclose, for the information of the Honorable Secretary of War, copies of the several communications, in reference to murder and pillage lately committed by Indians in this department, from Brevet Lieutenant Colonel Hardee, 2d dragoons, (No. 1,) Brevet Major Scott, 1st infantry, (No. 2,) Captain King, 1st infantry, (No. 3,) and Lieutenant Hudson, 1st infantry, (No. 4,) together with my requisition on the governor of this State for an additional company of volunteers, (No. 5.)

You will perceive by these reports that the Indians have become more daring and impudent in their aggressions, and that there is a very large body of these savages on the road and in the neighborhood of the small towns on the Rio Grande.

In fact, the road between this point and Fort Duncan cannot be travelled with safety, unless the public trains and private parties going through the country, on their own highways, are protected by strong escorts.

This duty is extremely arduous, and, with the scouting ordered, does not permit that proper security, with the means under my control. The mounted force is at present diminished by nearly one company of dragoons, which it was necessary to detach as an escort to Brevet Lieutenant Colonel McCall, 3d infantry, for El Paso del Norte. In a month, two more companies of mounted men will leave for the protection of the very large public train transporting subsistence, quartermaster's, and ordnance stores for the 3d infantry and the dragoons stationed at El Paso and its neighborhood.

These duties take from me three companies of my most available troops. In view of this state of things, with the unusually large number of Indians thus early in the season on their murdering and plundering expeditions, I have been compelled to call on the executive of this State for an additional company of mounted men. It is a subject of deep regret to me that I am forced to increase this kind of troops, whilst at the same time I feel acute mortification in not being able to prevent the unfortunate disasters which have occurred.

The withdrawal of any part of the troops from any particular location or section of the country has been immediately followed by Indian attacks, as in the case of the murder of Major Bryant, and the stealing of horses in the neighborhood of Corpus Christi, on the transfer of McCown's company of volunteers to Medina, in consequence of the murders of the four men near Castroville; and these late aggressions on the Leona road, I am certain, have been induced by the absence of the dragoons with Lieutenant Colonel McCall, drawn from Hardee's and Oakes's companies.

Immediately on receiving Lieutenant Colonel Hardee's report, orders were despatched, by expresses, directing Captain Oakes, with what was

left of his company, to reinforce Lieutenant Colonel Hardee; and forty men of McCown's company were moved from the Medina, to take the place of Oakes's detachment, which had left for Fort Inge, whilst the remainder of the company continued in position near Castroville.

The new company I intend to take post between Forts Inge and Duncan, which will not only be able to protect the road, but give greater security to the frontier.

As I have heretofore stated, an increase of force in this department is absolutely required; and we cannot expect peace on the border until the war is carried to the homes of these savages, or a proper understanding is had with them by treaty.

I am, at the same time, perfectly convinced that dragoons or mounted men, (good riders,) are the only troops capable of proper action against these Indians, who are well mounted, admirable equestrians, and always having with them fresh horses for reliefs or remounts.

The mounted infantry are miserable riders, more than one-half foreigners, who probably never before bestrode a horse, utterly incapable of using their arms when in the saddle, regardless of their animals, from the want of practice and training, and, by bad riding, breaking them down long before the endurance of the horses under better riders would have been continued.

Captain Ford's company of volunteers has been posted at a place called Antonio Viejo, between Ringgold Barracks and Laredo, which will prevent, I hope, a recurrence of the late aggressions in their neighborhoods.

I am, very respectfully, your obedient servant,

GEORGE M. BROOKE,
Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington.

HEADQUARTERS, FORT INGE, TEXAS,
March 3, 1850.

MAJOR: I have the honor to report that last night a man was brought in here, from Mr. Aubrey's train, dangerously, and I fear mortally, wounded. The train had reached Turkey creek, en route to El Paso. The man was hunting, and had separated himself more than two miles from his companions, when he was attacked by the Indians. This accident is to be imputed in part to the man's imprudence.

This morning I received information of a still more gloomy character. Last Monday I sent a party of four dragoons to escort a merchant train from this post to Fort Duncan. On their return, Lieutenant Whiting placed his ambulance in their charge, and in it was a Mexican woman, the wife of a discharged soldier—the husband being in the party, mounted, but unarmed. At the water-hole at the Chacon, this party was ambuscaded and attacked by a party of Indians numbering from fifty to ninety men. A part of this force was on foot, concealed near the water-hole, and the other part mounted. At the first discharge, private Cater was shot through the head and killed. The mules being much frightened, and the driver being unable to manage them, the woman jumped out and ran. Finding it impossible to get the ambulance along, or to defend them—

selves against such overwhelming odds, the four remaining men deserted the ambulance and fled for their lives. About six miles from the Chacon, the party met Captain Merchant, who was escorting Mr. Meade and his family to Fort Duncan. Three of the men were retained by Captain Merchant, and the fourth, (private Phitzeer,) who was in charge of the party, was sent forward, and arrived here this morning. This man reports that the weekly express from Fort Duncan to this post left an hour and a half before him. As this express, consisting of four men, has not reached here, and as he saw nothing of it on the way, it must either have left the road for safety, or it has been cut off by the Indians. I have deemed it fit to give you the above information by special express. The facts, taken in connexion with recent events, show a fixed determination on the part of the Indians to murder and destroy our soldiers, citizens, and their property, whenever they can do so with impunity. There is unquestionably a large force of Indians between this post and Eagle Pass, and their spies are kept constantly on the alert to give information of the approach of the whites. If the party is large, and show indications of pursuit, they fly to the mountains, scatter, and elude detection; if, on the other hand, the party be small, they unite and attack it.

I shall go out immediately with all my disposable force, including some of the infantry, and shall continue the pursuit as long as any hope remains of overtaking the murderers. The calls on me for escorts are so numerous that I have been left twice recently with only four men of my company for duty.

Respectfully, your obedient servant,

W. J. HARDEE,

Brevet Lieutenant Colonel U. S. A.

Major GEORGE DEAS,

Assistant Adjutant General, San Antonio, Texas.

P. S.—The express from Fort Duncan has just arrived—all safe.

W. J. H.

FORT DUNCAN, TEXAS,

February 22, 1850.

SIR: I have the honor to inform you that one of the escort to a quartermaster's wagon from San Antonio, private — Kellogg, of company E, 8th regiment of infantry, was wounded by Indians on the morning of the 21st instant, about seventeen miles from this post, and died last night.

I have the honor to be, very respectfully, your obedient servant,

J. M. SCOTT,

Brevet Major U. S. A., commanding.

Brevet Major GEORGE DEAS,

Assistant Adjutant General 8th Military Department.

HEADQUARTERS BATTALION FIRST INFANTRY,

Fort McIntosh, Texas, February 28, 1850.

SIR: I have the honor to report that a party of six Indians killed a Mexican on the 23d instant, about 3 o'clock p. m., three miles below the town. In a very little time Lieut. Viele and eight men were in the saddle and on the trail of four Indians on foot, and followed it till dark. The next morning it was again taken and followed till 12 m., when it was entirely lost. This officer continued in search of the Indians without any success until the third night, and then returned to the post.

During the night of the same day (23d) an Indian visited the vicinity of our horse lot, but, failing in his efforts to get any of the public animals, killed a horse of the quartermaster's department with an arrow. The next morning at 7 o'clock, Lieut. Hudson, with twelve men, started on the trail of this man. I immediately ordered another party to get ready to go in another direction, and while the men were saddling up I was informed by a citizen of the town that Indian signs had again been seen in that vicinity. This party was soon in motion, with good guides, and they had no trouble in finding a fresh trail of a few Indians. The two parties joined in the afternoon; and what followed is stated in the report of Lieut. Hudson, which I herewith enclose. I shall continue to keep out scouting parties to give protection to the Mexicans, who are now engaged in planting corn; but, if the Indians are disposed to trouble them, they can do so without running much risk themselves by encamping on the west side of the river. I informed you some time since that we expected to have a garrison of Mexican troops opposite, and another forty miles above; but, as a great many of the troops about Monterey have been sent to Victoria to settle the difficulties in that quarter, they most probably will not be occupied till their return.

About the time of the Indian excitement on this side of the river, two Indians ran a Mexican across the plaza in the town opposite, but no injury was done.

I remain, respectfully, your obedient servant,

JOHN H. KING,

Captain 1st Infantry, commanding.

Major GEORGE DEAS,

Assistant Adjutant General U. S. A.

FORT MCINTOSH, LOREDO, TEXAS,

February 27, 1850.

SIR: Agreeably to your orders to pursue and kill, if possible, a party of hostile Indians whose signs had been seen in the vicinity of this post, I started on the morning of the 24th instant, with a Mexican guide, and a detachment of twelve men of company "G," 1st infantry, and followed a trail of one (Indian) on foot, proceeding in a northern direction, (supposed to be the Indian that killed the horse the night previous in the stable of the acting assistant quartermaster at this post,) for about one mile, where we found he had joined two others who were mounted. After travelling in a meandering course, through dense chaparral, our trail was joined at 1 o'clock p. m. by, as nearly as we could ascertain, thirteen more Indians from below, with another party of twelve men, in charge of a non-com-

missioned officer, in their pursuit. We proceeded together until about 5 o'clock p. m., having travelled a distance of fifty miles, when we discovered on an eminence, about a half mile in advance of us, some twenty or thirty Indians, mostly armed with guns, and mounted on fresh horses, apparently watching our movements. I approached within a short distance of them, when they fired upon us. I returned their fire, wounding one of them slightly, when, upon a signal from their chief, they fled. I ordered the other party to endeavor to turn their right and cut them off, but, they having the advantage of ground and fresh horses, I found it impossible to do so. I then ordered a charge, and kept up a running fire for about three miles, when, night coming on, they succeeded in making their escape.

Our horses being much fatigued from a hard day's ride, (several of them had entirely given out, and one died in a half hour afterwards of exhaustion,) I recalled the men, and returned towards the spot where we first met them, and found our guides in company with a Mexican boy, about ten years old, who had made his escape during the *melee*, and joined us in our rear. He directed us to the camping-ground of the Indians, about five miles off, where I proceeded, and remained for the night. From the boy we obtained the following information in relation to his capture, the strength, &c., of the Indians. He had been taken, in company with another Mexican, (whom they killed and scalped,) about a month previous, while at *Mustanging*, some twenty or thirty miles from Laredo. He stated that the Indians were about sixty strong, and belonged to the tribe of Tah-wah-co-nees; that half of them were on a predatory excursion in the lower country; and that they had been in this vicinity six weeks, making that their headquarters. The night before, they had sent a party of three, with the boy as their guide, to point out the locality of this post, stables, &c., with the intention of coming the night following and stealing the horses belonging to this command. After reconnoitring the camp and seeing no possible chance of effecting their object, one of them, in a fit of disappointment, shot the horse mentioned above.

On the morning of the 25th, I again started on their trail, and followed them until about half-past 4 o'clock p. m., when, finding that they were abandoning their loose horses and superfluous traps, such as gun-covers, moccasins, saddles, and one scalp, (supposed to be Mexican,) and scattering towards their homes in the north, and being short of rations, I concluded to give up the pursuit and return to this post, where I arrived on the evening of the 26th, after an absence of three days.

Respectfully, sir, your obedient servant,

W. W. HUDSON,

Second Lieutenant First Infantry.

To Captain JOHN H. KING,

First Infantry.

HEADQUARTERS EIGHTH DEPARTMENT,

San Antonio, March 6, 1850.

GOVERNOR: Having been authorized by the President of the United States to call on the executive of this State (in the event of its necessity—and an increased necessity appearing to me now to exist) for such force of

mounted men as I may deem proper, I now make on your excellency a requisition for one company of mounted men, in addition to the three now in service, to serve for the period of six months, unless sooner discharged by order of the President of the United States. The strength of the company will be—one captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians, two farriers, two blacksmiths, and sixty-four privates, and to be placed under my orders.

Each man will be required to furnish his own horse, saddle and bridle, halter and "lariat," when he will be furnished by the United States with a percussion rifle and pistol and ammunition, and the proper departments will be instructed regarding the supplies for the company. Your excellency is, no doubt, aware that there is at present no money in the treasury for the payment of volunteers, but, from assurances which I have received from the Hon. Secretary of War, I feel confident that an early appropriation to that effect will be made by Congress.

An officer of the army will be designated to muster this company into service, and will be instructed to inspect closely each man and horse, and to reject both, or either, unless they appear sufficiently strong and capable of bearing the arduous duties and fatigues of an Indian campaign.

The mustering officer will attend at such point as your excellency may deem most convenient.

I have the honor to be, with high consideration, your excellency's most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

His Excellency P. H. BELL,
Governor of Texas, Austin.

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, March 17, 1850.

GENERAL: I have the honor to enclose herewith a copy of Brevet Lieutenant Colonel Hardee's report of his expedition in pursuit of a party of hostile Indians, together with a copy of a communication addressed by Colonel Maldonado, of the Mexican army, to Brevet Major Scott, commanding at Fort Duncan, in reference to the same subject.

Captain Oakes has not yet returned.

I am, very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General U. S. A.

Brevet Major General R. JONES,
Adjutant General, Washington, D. C.

HEADQUARTERS, FORT INGE, TEXAS,
March 13, 1850.

MAJOR: I have the honor to report my return to this post yesterday afternoon, after an unsuccessful scout of ten days. I took up the trail of the Indians at the Chacon, and followed it until they crossed the Rio Grande about twenty-five miles below the Presidio crossing. I endeavored to

cross the river with my command, and intended, if I could do so, to follow the Indians into Mexico. I made a raft with the limited means at my command, but it was so frail I was afraid to trust my arms on it. I then coursed up the river, hoping to find a ford, but, failing to do so, I pushed on to Fort Duncan. On my arrival there, I requested Major Scott to inform the commanding officer at Presidio that I had driven the Indians into Mexico; he did so immediately, and that night a party was despatched from Presidio to take up the trail and to pursue the Indians. I enclose you the reply of Col. Maldonado, the Mexican commander of the upper Rio Grande. Captain Oakes did not join me; he arrived here on the evening of March 6, and I left on the 3d. I understand that, on the other side of the Nueces, he found a heavy trail of Indians leading to the north, and when last heard from he was following it. On his return to this post, I shall direct him to proceed at once to Fort Lincoln, as I shall not require his services.

Respectfully, your most obedient servant,

W. J. HARDEE,

Brevet Lieutenant Colonel U. S. A.

Major GEORGE DEAS,

Assistant Adjutant General, San Antonio, Texas.

SUB-INSPECTOR DE LAS }
COLONIAS DE ORIENTE. }

VILLA DE GUERRERO, Marzo 10 de 1850.

A consecuencia del aviso que V. S. se sirve darme en su nota de ayer, he tomado mis providencias para que una partida de tropa persiga a los Indios que pasaron el Bravo abajo del Paenati (Presidio) hacia el interior, perseguidos hasta allí, por el Teniente Coronel Hardee. Doy a V. S. las mas espresivas gracias por la oportunidad de la noticia; asegurandole una completa reciprocidad por mi parte, en este servicio tan importante a los habitantes de la frontera de dos naciones amigas; y tengo el honor de repetirme su servidor atento.

JUAN MANUEL MALDONADO.

Al Senor Major J. M. SCOTT,

Comandante del Fuerte Duncan, Texas.

True copy.

GEO. DEAS, *Assistant Adjutant General.*

[Translation.]

CITY OF GUERRERO, March 10, 1850.

In consequence of the information received from you in your note of yesterday, I have taken measures to send a party of troops in pursuit of the Indians who crossed the Bravo below Pacuali (Presidio) into the interior, and who were pursued as far as that point by Lieutenant Colonel Hardee. I thank you most cordially for this intelligence, with the assurance of a complete reciprocity on my part in a service so important to

the inhabitants of the frontier of two friendly nations; and I have the honor to remain your obedient servant,

JUAN MANUEL MALDONADO,
Sub-inspector of the Eastern Colonies.

To Major J. M. SCOTT,

Commanding Fort Duncan, Texas.

A free translation.

GEO. DEAS, *Assistant Adjutant General.*

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, April 18, 1850.

GENERAL: I have the honor to forward herewith a copy of a letter from Captain King, first infantry, commanding Fort McIntosh, detailing an affair which took place between our troop and a party of Indians, near Laud's, on the 7th instant, in which one soldier was killed, and Lieutenant Hudson and a sergeant badly wounded.

I am, very respectfully, your obedient servant,

GEO. M. BROOKE,

Brevet Major General.

Brevet Major General R. JONES,

Adjutant General, Washington, D. C.

HEADQUARTERS BATTALION FIRST INFANTRY,
Fort McIntosh, Texas, April 10, 1850.

MAJOR: In my last letter I reported that Lieutenant Hudson, with a party from "G" company, had gone out to give chase to a few Indians who had stolen animals from two ranchos eighteen miles below. This party got to the Nueces on the second day, and found five Indians encamped on the opposite side, who immediately disappeared, leaving everything behind them, except two horses. A few Mexicans and two soldiers then crossed the river by swimming, and drove the animals (about thirty) to this side. The next day Lieutenant H. commenced his march homeward by a circuitous route, and, on the fourth day out from the post, 7th of the month, met another party of fifteen Indians, who commenced running at the first sight of the troops. This officer gave the command to gallop, and took the lead at full speed. The Indians retreated to a chaparral thicket, and, as Lieutenant H. and three or four of his men rode up, they fired at them with rifles and arrows. Private M. Leahy was killed, but not till after he had fired at his Indian. Lieutenant H. received a wound in the leg, and Sergeant Ling a very severe one in the chest. O'Donnell and Surbey were slightly wounded. Lieutenant H. then dashed up to an Indian who was on foot, and fired at him three times, and two balls, he thinks, took effect. He now dismounted from his horse, as he found him difficult to manage, to make an attack upon another Indian; but he had hardly got to the ground before this one and three others rushed upon him and shot him with three arrows. Lieuten-

Part ii—3

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Respectfully, your most obedient servant,

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Brevet Lieutenant Colonel U. S. A.

Major GEORGE DEAS,

Assistant Adjutant General, San Antonio, Texas.

SUB-INSPECTOR DE LAS
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Al Senor Major J. M. Scott,

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Part ii—3

ant H. cut the string of one bow, and caught a second man by the throat and gave him two cuts over the face with his sabre: he was, however, too weak to do him much injury. About this time the rear men came up, and the Indians commenced running, the soldiers following them; but as Lieutenant H. and his only non-commissioned officer were too severely wounded to continue the fight, the men were recalled.

From what I can learn, three or four Indians must have been badly wounded. Two or three rifles, three horses, the saddle and saddle-bags belonging to the Corpus Christi mail-rider, with a few of the letters and papers, were taken from this party. Lieutenant H. lost his horse and six-shooter, and three of the company horses also made their escape. The party returned to water, and an express was sent to me that I might be informed of their condition. Assistant Surgeon Perin immediately left with an ambulance and wagon to go to their assistance, and found their camp the next morning.

These were the Indians Lieutenants Viele and Holabird had been sent to follow; but as they scattered at every hill, there was great difficulty in keeping the trail. This party, however, arrived at Lieutenant H.'s camp the next morning, being one day behind the Indians. Lieutenant Hudson has four wounds; two of them make *his recovery very doubtful*. The general is aware of my anxiety to have the mounted men under my command furnished with six-shooters, and I hope he will consent to equip a few of them (if not all) with this arm. All of the animals (except three or four) have been claimed by the citizens, and turned over to them. Lieutenant Viele will leave in a few days for New York, and I find it necessary to apply to you for an additional officer, as it will be very difficult for Lieutenant Holabird to command the mounted company and perform the duties of acting assistant quartermaster and acting assistant commissary of subsistence.

I send enclosed the requisition of Lieutenant Viele for additional horses to cover deficiencies.

I am, respectfully, your obedient servant,

JNO. H. KING,
Captain 1st Infantry, commanding.

Major GEORGE DEAS,
Assistant Adjutant General.

P. S.—It is almost impossible for Lieutenant H. to recover, as the arrow-head is buried in his chest; and the wound in his side is also very dangerous. He was mounted on my horse, and had my six-shooter.

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, May 29, 1850.

GENERAL: I have the honor to forward herewith a copy of my letter to the general-in-chief, dated the 28th inst., with its enclosures, numbered from 1 to 4, in reference to our Indian relations within this department.

I am, very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington, D. C.

[For the information of the Adjutant General.]

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, May 28, 1850.

GENERAL: I have the honor to forward copies of reports lately received at these headquarters, numbered from 1 to 4, inclusive, from Captain Ford; volunteers, and Captain King and Lieutenant Holabird, first infantry, in relation to scouts and the general appearance of Indian hostilities.

You will perceive that the Indian parties are becoming more frequent and in increased strength. The same may be said of this whole frontier. It is impossible to bring these deluded people to a sense of their weakness, compared with the power of the United States, unless by severe chastisement, and which cannot be effected without carrying the war into their homes and fastnesses; and for the same reasons we are unable to comply with the 11th article of the treaty with Mexico, guarantying protection from Indian attack and depredation.

The force in this country is inadequate to a general war promising success; depots and posts would have to be advanced, whilst, at the same time, you would be compelled to keep up the present chain of posts to prevent the enemy from getting into our rear—exposing the present frontier settlements to Indian massacre and destruction. We are certainly a nation powerful enough—possessing a complete superiority in point of numbers and all necessary supplies. To place ourselves on an equality with these people, whilst we have such advantages, does not appear to me to be a good policy, when we look at the great number of valuable lives, both in the settlements and in the army, which are risked and jeopardized by a want of means to force in every event perfect success. The predatory war now going on will be continued forever, unless we exercise the strength we possess to put it down at once. I presume the delay in taking the proper steps to effect this most desirable object may be traced to the desire of the government of effecting some agreement with the State of Texas regarding a proper boundary, and placing these Indian tribes on the same footing as those to the north and northwest, now under the protection and sovereignty of the United States. Allow even this to be effected, it will be a long period before it can be completed, and then probably not as to Mexico. In the latter case, the number of posts must be increased on the Rio Grande. There should be strong ——— at a point on this river in the great bend opposite San Carlos, which is the key to the country called on Disturnell's map "Bolson de Mapimi." Indians passing at this place go to Chihuahua, Monclova, Paras, and Durango—laying the whole country waste. Another point is the Presidio del Norte, equally important. I am not informed as to the precise disposition which is intended to be made of the troops ordered from the 7th to this department—whether to establish new posts on the Rio Grande or to pursue the Indians to their villages who are depredating on the American settlements on the frontier extending from the Rio Grande to the Red river.

In the event of a boundary being established for the Comanches and other tribes of Indians on the borders of Texas, I have no idea such a line will be respected, unless these Indians are subsidized, receiving annuities as the northern tribes; because they actually have not the means of subsistence, unless they follow the mustangs—wild droves of horses—

which are to them what the buffalo is to the Blackfeet, Crows, and Pawnees. If we succeed in keeping them from stealing and plundering on our own soil, they will be necessarily forced into Mexico. Until they become in some measure agriculturists, it cannot be expected they will depart from their old habits. We must give them annuities, establish among them farmers and blacksmiths, or exterminate them by force.

I remain, general, with high respect, your most obedient servant,
GEORGE M. BROOKE,
Brevet Major General.

Major General W. Scott,
Commander-in-chief, New York.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, May 28, 1850.

True copy.

GEO. DEAS,
Assistant Adjutant General.

FORT MERRILL, May 21, 1850:

MAJOR: I have the honor to acknowledge the receipt of an order from Major General Brooke, directing me to take position in rear of Laredo with one-half of my command. Previous to that time, I had placed a detachment of twenty-nine in readiness to move in the direction of Laredo, make a reconnaissance in the country between the Rio Grande and the Nueces, and proceed to Fort Merrill to draw pistols. On the 7th instant I made a forward movement from Laredo parallel with the Rio Grande, up that stream 35 miles; I then turned to the right. On the 10th, my guide discovered fresh Indian signs. The command was halted, and the country scoured in every direction by small parties, with orders to report the presence of any party of Indians they might meet with too large for them to engage. The Indian camp was found: from the indications, they were a small hunting party, which had seen us, and scattered to avoid pursuit. On the morning of the 10th, I directed Lieutenant Walker, with ten men, to return to Laredo, by way of a large water-hole, called the Pato, lying 15 miles below the San Antonio road. The object was to deceive the Indians into the belief that the whole command had returned; to place Lieutenant Walker in the rear of any party going up, while I was in front of them, with a fine opportunity to head off and surprise them. On the 11th I encamped near the Nueces, on the Arroyo San Boque; remained in camp on the 12th, and sent small parties of reconnaissance. Breaking up camp on the 13th, and moving a little south of east, at noon I came upon a large trail, which had the appearance of a regular Indian thoroughfare. Its general course is north of west. A party of Indians had passed along it late on the preceding evening. I directed my advance guard to move silently and cautiously about 400 yards in advance of the command. After marching five miles, the Nueces was reached; the neighing of horses was heard; I ordered twelve men to dismount, and move through the chaparral to the right in the direction of the crossing. With the remaining seven I marched to the left. I found the Indians had crossed. The pack mules were placed in a bend, in charge of a guard. The command passed the river by swimming,

and was on the trail at a brisk gallop within twenty minutes after reaching the west bank. Eight miles from the crossing, I discovered the Indians just as they were turning the crest of a hill. By dashing forward with four men, I induced them to think our party was small. The chief ordered them to stand and fight. By the time they had formed their line, my men had come up and commenced firing. I directed them not all to discharge their pieces at once, as the Indians evidently intended to draw our fire and then charge us. A ball struck the chief on the arm; he wheeled his horse. I then saw there was no chance to get a standing fight, and ordered a charge. The command was obeyed promptly and eagerly. The Indians fled yelling; the men followed shouting. Our balls soon began to tell, and the yell sunk into a moan. The chief was a brave fellow, and endeavored to halt his warriors: they were too closely pressed to make a stand. At intervals they would halt for a few moments, and let fly a volley of arrows. After running upwards of three miles, the Indians made a chaparral; my horses were quite fatigued, and I saw no method of effecting anything further, and ordered a halt. The Indians were fifteen in number. I had sixteen men engaged. The loss of the Indians was eight killed and wounded. But one of the dead was left on the field; the others were packed off, as is their custom. Four others died very shortly after the skirmish, I have no doubt, as they received mortal wounds: threw away shields, cow-tails, whistles, and other articles they are never known to part with while there is any hope of living. Of my command, private David Steele was wounded very slightly. My horse received a wound from a poisoned arrow, of which he died in three days. I regret very much that my men had not been able to draw their pistols before this engagement; with the advantage of a pistol, in addition to the Mississippi rifle, I do not think a single Indian would have escaped. In a running fight with the rifle alone, it is very hard, almost impossible, to keep within gunshot of the enemy, because of the time lost in holding up to load. Three of the Indians had on Mexican hats; one was taken and recognised as belonging to a Mexican who was killed about the 5th or 6th instant, 15 miles below Laredo. The party consisted of Comanches, commanded by a brother of the late chief Santa Anna. These particulars I derived from Roque. The Indians lost eleven Mexican horses and one mule, which are in camp, subject to the order of Major General Brooke, though, I presume, the most of them will be claimed by Mexicans, citizens of Texas. Late in the evening, I crossed the Nueces and encamped near the crossing, with the intention of intercepting any other party of Indians that might be passing. I should have completely succeeded in this, but for an unfortunate accident—the breaking loose of two horses after daylight on the morning of the 14th. They followed the trail back, and, when something over a mile from camp, were discovered by a party of nine Indians. So soon as the Indians ascertained the horses were American, they left at full speed. In a short while I was in pursuit with twelve men. They used every artifice to elude us; however, all their devious windings could not deceive Roque, who hung on the trail from 11 to 4 o'clock—a great part of the time at full gallop. I found my horses failing fast, and drew off, satisfied I could not come up with them without a relay of horses.

I found it necessary to use great circumspection to avoid surprise, and

to keep my horses from being stolen. I make my encampments in the form of a circle—the men sleeping outside the horses.

My men have behaved throughout the scout orderly and gallantly. I recommend Roque to your favorable notice as a good guide and a brave Indian-fighter. My pistols are here, but no cartridges.

I have the honor to be your obedient servant,

JOHN S. FORD,

Captain, commanding company Texas Mounted Volunteers.

Major GEORGE DEAS,

*Assistant Adjutant General 8th Military Department,
San Antonio, Texas.*

[For the information of the Adjutant General.—Extract.]

FORT MERRILL, May 21, 1850.

MAJOR: *

I have directed that a bow and arrows taken be given to General Brooke. The arrows are poisoned—the poison of two kinds, animal (rattlesnake) and vegetable; that of the snake is beneath the wood, upon the spike where it is received into the split of the arrow: the vegetable is upon the integuments which are used to hold the spike to its place. A bluish tinge is discoverable. These arrows are never used except in war; they are unfit to kill game.

Roque* is of opinion the Indians will be down in large numbers during the succeeding full moon. I shall endeavor to meet them. I shall remain here four days, to recruit my horses—also, to purchase one for myself—and then move for San Antonio Viejo. If the Indians have already come down, I shall cross their trails. Should I not be able to fall upon them below, I shall make a three-weeks campaign in the vicinity of the Comanche† crossing. Keep pickets on both sides of the river, so as to cut off any party going either way.

Respectfully, yours,

JOHN S. FORD.

To Major GEORGE DEAS,
San Antonio, Texas.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, May 26, 1850.

True copy.

GEO. DEAS,
Assistant Adjutant General.

* A guide who has lived some time with the Comanches—a prisoner.
† Above Lomas Blancas, Nueces river.

[For the information of the Adjutant General.]

HEADQUARTERS BATTALION FIRST INFANTRY,
Fort McIntosh, Texas, May 16, 1850.

MAJOR: I have the honor herewith to enclose a report of a scout made from the post towards the Nueces by Brevet 2d Lieutenant S. B. Holabird, 1st infantry.

Captain Ford arrived here on the 4th, and left on the 7th. He went above the San Antonio road, intending to cross the Nueces, and pass down between the latter river and the Frio to Fort Merrill, where he was to procure pistols for his company and then cross to his station, on the Ringgold road. When a few days out from here, he detached a lieutenant and twelve or thirteen men to take a different direction. The day they parted the lieutenant's party struck a fresh trail, and by hard riding succeeded in getting in sight of two of the Indians, but were not able to overtake them. On the 10th a party of Indians killed a Mexican just out of town, (Lorédo.) A sergeant and thirteen men were sent in pursuit, but were not able to overtake them. The Indians passed immediately up the river, and some of them crossed it and wounded a Mexican on the other side. A respectable Mexican stated that he counted forty five Indians. The Mexican troops have been out three days, on the other side, but without success.

I am, respectfully, your obedient servant,

JNO. H. KING,
Captain 1st Infantry.

Brevet Major GEORGE DEAS,
Ass't Adj't General 8th Dep't, San Antonio.

P. S. 10 a. m., May 17.—I am just informed that eight Indians were within a few hundred yards of the town last night, and within fifty yards of Lieutenant Walker's* camp. This officer will leave in an hour, with six of his men and the same number from this camp, to follow them. I am obliged to take the three horses from the quartermaster's department, to enable me to mount the six men.

J. H. K.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, May 26, 1850.

True copy.

GEO. DEAS,
Assistant Adjutant General.

[For the information of the Adjutant General.]

FORT MCINTOSH, TEXAS,
May 16, 1850.

SIR: I have the honor to report that, agreeably to your orders, I left this post on the 5th instant with 22 non-commissioned officers and privates, with eight days' provisions, and proceeded on a scout, first to the

* Subaltern of Ford's company, Texas volunteers.

springs on the Corpus Christi road; thence I crossed to the Nueces, and travelled up it two days. I then left the river, intending to intersect the Eagle Pass road 36 miles from this post, but, in the afternoon of the 1st day from the river, we came upon a fresh trail, going down the country; this was on the 12th of the month. We took this trail and followed it until very dark; the night being cloudy, we could see it no longer. Camped without fire. During the night a heavy rain fell and wet our arms. I delayed a short time to put them in order, as I felt certain of coming up with the Indians in their camp soon. During this delay, a Mexican, who was muleteer, having occasion to leave camp for a few moments, was surprised and run into camp, the Indians close on him. They came within 150 yards of camp, which was in thick chaparral, and seemed to threaten me with an immediate attack. I sallied out with a few men to hold them in check until we could secure our horses, when they turned and fled. I think there were between 15 and 20 Indians. We immediately saddled up and pursued them. During the day they changed their course, first towards the Nueces, and afterwards up the country, travelling at a gallop—a gait the condition of our horses would not allow us to assume. We followed them about 40 miles that day; but they gained on us hourly towards night, and kept up a gallop, not even stopping to water their animals, two of which they left behind them dead. The night of the 13th we relinquished the pursuit, and reached this post on the night of the 15th, having travelled eleven days.

Respectfully submitted.

S. B. HOLABIRD,
Brevet 2d Lieutenant 1st Infantry.

Captain J. H. KING,
Commanding.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, May 26, 1850.

A true copy.

GEO. DEAS,
Assistant Adjutant General.

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, June 8, 1850.

GENERAL: I have the honor to forward the report of Captain Ford, of the Texas volunteers, of a successful skirmish with a party of Indians on the Aqua Dulce, on the 28th ultimo.

The information given by the wounded Indian, I have no doubt, is partly true, and that a large foray is intended by the Comanches in the country designated; while, at the same time, I have no idea that the number will amount to seven hundred and seventy, as represented.

The expedition lately ordered under Brevet Lieutenant Colonel Hardee will, I trust, operate as a complete checkmate, and will, I am convinced, produce the happiest results.

I am, very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington, D. C.

[For the information of the Adjutant General U. S. A.]

CAMP AQUA DULCE,
May 30, 1850.

MAJOR: I have the honor to report that, on the 29th instant, while *en route* for San Antonio Viejo, near the head of the Aqua Dulce, I came upon a trail leading south of east. From appearances, the Indians had evidently passed along it that morning. Leaving a guard of 7 with my pack mules, I placed myself at the head of the balance of the detachment (17 men) and pursued briskly. Within four miles or less the Indians were discovered in a patch of thick chaparral, to our left. A charge was ordered, and the Indians fled, though in good order. About one mile from their camp the firing commenced. In the first encounter several Indians were wounded; some horses and one of my men mortally wounded, who incautiously, but gallantly, charged upon a wounded Indian. Here it was necessary to make a halt, for the purpose of placing him in a place of security. The Indians had made signals, which Roque said indicated a reinforcement near at hand. Not knowing the strength of the expected force, I deemed it prudent to despatch a runner to hasten up my rear guard, and continued to press the Indians, who retired slowly before us. I endeavored several times, by making feints of retreating, to induce them to charge us. They held the Mississippi rifles in too great esteem for that. This continued for near half an hour, both parties endeavoring to gain time. The Indians were advantaged nothing. Their warriors did not come up, and I saw my rear guard emerging from the chaparral, flanking them upon the left. My rear being now safe, I gave the word to charge, which was executed with promptness and gallantry. The Indians broke and fled precipitately. We pressed them for about two miles, during which time private David Steele killed their chief. Our horses being too much exhausted to follow further, I called off the men. We had the good fortune to capture a wounded warrior. From him we learned that the loss of the enemy was three killed and four or five wounded, besides many horses. My loss was two wounded (one mortally) and one horse wounded. The Indians had fourteen warriors, and were every moment expecting the arrival of six others that had been sent below to reconnoitre "a mustang-pen." The skirmish ended about four miles from the Indian camp. I found it necessary to proceed in the direction of Captain Grumbles' encampment, on the Aqua Dulce, to procure medical aid for the wounded. One was borne upon a litter, but died at nine o'clock last night. He was wounded with a poisoned arrow. I reached here this morning. From the captive (Carne-Muerte) I learned the following particulars, which, if true, are of some moment. Roque places reliance upon the statements. He is well acquainted with the Indian character. I give it to you as I received it. Buffalo Hump and four principal chiefs, one of whom is an Apanico, at the head of seven hundred and seventy warriors, and some families, are at this time at some point on the Rio Frio. Buffalo Hump and some other chiefs are going to San Antonio de Bexar to deceive General Brooke by friendly protestations, and by pretending that he wishes to come below to run mustangs, while the real object is to make a descent upon this frontier, simultaneously, during the present moon.

One party is to move upon Corpus Christi and the adjacent country, by way of the valley of the Nueces; another is to cross the Nueces river

above the San Antonio road, and make a foray upon Laredo and the ranchos on the Rio Grande; the third is to cross the Nueces below the San Antonio road about 18 miles, at the mouth of the Arroyo Prieto, and is destined for Davis's Ranch and Brownsville. The principal portion of the Comanche families are at the following points: upon the head of the San Saba, the head of the Concho, and the head of the Colorado. The Indian who makes these assertions was assured of entire safety before he was questioned, is about 17 years old, and the nephew of a chief or captain called White Wolf. I think the information of some consequence, and wish, so as to be able to meet any emergency, to procure an order from General Brooke allowing me to concentrate my command at any suitable point, and to subsist citizens, should their services be deemed essential.

I am proud to be enabled to speak in the highest possible manner of the bravery and soldierlike bearing of my men, and beg to designate Sergeant Level, privates Gillespie and Adams, as having acted extremely well.

Killed.—None.

Wounded.—Sergeant David M. Level, (slightly,) private Wm. H. Gillespie, (mortally.)

I have the honor to be your obedient servant,

JOHN S. FORD,

Captain, commanding company Texas Mounted Volunteers.

Major GEORGE DEAS,

*Assistant Adjutant General Eighth Military Department,
San Antonio, Texas.*

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, June 8, 1850.

True copy.

GEO. DEAS,
Assistant Adjutant General.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio de Bexar, June 9, 1850.

GENERAL: With the view of showing the disposition of the Comanches, and the very hostile feelings entertained towards them by certain citizens residing on the frontier north of this, I have the honor to forward copies of the reports of Brevet Major Blake and Lieutenant Wood, 2d dragoons, of scouts made by those officers, dated respectively June 2 and May 26, 1850.

I remain, general, very respectfully, your most obedient servant,

GEO. M. BROOKE,

Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington.

[For the information of the Adjutant General U. S. A.]

FORT CROGHAN, TEXAS, June 2, 1850.

MAJOR: I have the honor to report that, on the 28th ultimo, an express arrived at this post from the settlements on the San Gabriel, bearing intelligence that a large party of Indians were committing depredations on the property of citizens in that vicinity. I immediately started for the point named, with all the disposable portion of my company, amounting to nineteen men, and found the settlers very much alarmed, and collecting together to follow the trail. At a point on the north fork of the San Gabriel, represented to be in the neighborhood of the encampment of the Indians, I was joined by a detachment of dragoons from Austin, under the command of Lieutenant Tree; also by a party of citizens, (from Georgetown and vicinity,) amounting to about sixty or seventy, who were much exasperated against the Indians, and evidently bent upon retaliation, and it was with the utmost difficulty that I succeeded in persuading this party from their intentions. I followed them to the Indian trail, some distance beyond the Lampases, and became satisfied that it was the same party, under "Yellow Wolf," mentioned in my communication of the 24th ultimo; and as the trail was three or four days old, and leading in a northwest direction, over the military line, I did not deem it necessary to proceed further on the trail, and returned across the country to this place on the first instant. I have made diligent inquiries as to the amount of depredations committed, and learn that they extend no further than the killing of two or three pigs. (A beef was killed and given to the Indians by one of the settlers, to get rid of them.) "Yellow Wolf" is at present encamped near here with a large party: he denies killing any cattle, and says he has no intention of committing any depredations on the settlers, but merely went down to hunt; and he has again promised me that he will not cross the line again. I will add that, during the time I was following the trail of the Indians, about twenty-five of the citizens persisted in following with me, until they became perfectly satisfied that the Indians had taken a direction beyond the military line. I am led to the belief that, should those or other Indians visit that vicinity again, serious difficulties will be the result. The scout sent out by Captain Lee in pursuit of the Indians who stole some quartermaster's horses from this post, and referred to in my communication of the 24th ultimo, returned on the 30th ultimo, without being able to overtake the Indians: their trail led in the direction of the Waco villages, and "Yellow Wolf," as well as my guide, says it was the Wacos who stole them. My own impressions are, that they were stolen by Comanches and charged to the Wacos.

I am, sir, very respectfully, your obedient servant,

GEO. A. H. BLAKE,

Captain and Brevet Major 2d Dragoons, commanding post.

Brevet Major GEORGE DEAS,

*Assistant Adjutant General Eighth Military Department,
San Antonio, Texas.*

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, Texas, June 9, 1850.

True copy.

GEO. DEAS,
Assistant Adjutant General.

[For the information of the Adjutant General, U. S. A.]

AUSTIN, TEXAS, May 26, 1850.

SIR: I have the honor to report the following facts for your information: In conformity with instructions received from you at 10 o'clock p. m. on the night of the 22d instant, I marched from this post at 12 o'clock p. m. of the same night, in command of all the men of the dragoon band and escort that could be mounted. The Comanches having been seen by Brevet Major Blake, 2d dragoons, in the vicinity of the half-way house between this place and Fort Croghan, I directed my way immediately to that point. There I halted to breakfast my men and refresh the horses, as well as to gain information of the probable locality of the Indians, and of the disposition they had exhibited towards the citizens. After having procured a citizen of the neighborhood—who was not, however, by any means, an accomplished guide—to accompany me, and accomplished the other object of my halt, I moved in search of the Indians. About 1 o'clock that day, I entered their camp, which they had probably abandoned but a few hours before my arrival. Taking their trail, I followed it as long as possible without the guidance of an expert woodsman. Previous to losing the trail, it had entered a high, hard, and dry country, in which it became so blind that further pursuit, under the circumstances, was impossible. When last seen, its course was northerly, indicating that the Indians had gone above the line of posts. If I had overtaken the Indians, I would only, in accordance with my instructions, have conducted them outside the chain of posts. From the point at which the pursuit was abandoned, distant about twenty-five miles from Fort Croghan, I directed my march to that post, arriving at 9 o'clock p. m. I was detained there until 3 o'clock p. m. of the 24th in getting my horses shod, &c. I finally returned to this post on the morning of the 25th instant.

The morning after my arrival at Fort Croghan, Captain Lee, then in temporary command, despatched a scouting party, provided with four days' rations, with orders to scour the surrounding country. As this party was out from a post whose proper duty it is to protect the country in which I had been scouting, I deemed it proper, as well from that fact as from your instructions to return here as soon as I could consistently with the accomplishment of the purpose for which I had been sent out, to return to this post immediately from Fort Croghan. I learned, in the vicinity of the half-way house, on my way out, that considerable excitement existed among the citizens in regard to the visits of the Indians to the settlements. The excitement was doubtlessly called into life by the combined influence of ancient animosity and the fear of depredations on their property. A party of some fourteen citizens preceded me to the camp of the Indians, and was compelled almost entirely to relinquish the pursuit near the point at which I did. This latter fact I obtained at the half-way house, on my return.

I cannot close this report without calling your attention to the absolute necessity of employing an Indian guide and interpreter for this post, if it be expected that scouts be sent out from the small force now here. As it is, I think nearly as much scouting is done from this post as from many immediately on the line.

Respectfully, your obedient servant,

TH. J. WOOD, *Lieutenant 2d Dragoons.*

Lieutenant Colonel T. T. FAUNTLEROY, *Second Dragoons.*

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, June 9, 1850.

True copy.

GEO. DEAS,
Assistant Adjutant General.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, June 2, 1850.

GENERAL: It is with great regret that information has this moment been received that two citizens have been killed and scalped by a party of Indians not more than seven miles from this town. It is supposed that this event occurred about two or three days since. These men, farmers, had gone out to cut grass, and, not returning when expected, search was made, and their bodies discovered from the offensive smell, with three arrows through one and five through the other.

This is the most daring act which has yet been committed not far from a military post, and a city of three or four thousand inhabitants. It is not known to what tribe those Indians belong. I believe, however, they are all equally hostile. Every exertion will be made to discover and punish the perpetrators.

I see no help but in attack upon their villages. To do this will require an increased force of mounted men, and large supplies of provisions and forage.

I have the honor to be, most respectfully, your obedient servant,
GEO. M. BROOKE,
Brevet Major General.

To Brevet Major General R. JONES,
Adjutant General, Washington city.

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio de Bexar, July 3, 1850.

GENERAL: I respectfully forward herewith a copy of a communication from Brevet Lieutenant Colonel Montgomery, commanding at Fort Gates, in relation to Indian movements.

I have the honor to be your most obedient servant,
GEO. M. BROOKE,
Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington, D. C.

[For the information of the Adjutant General.]

FORT GATES, TEXAS, June 27, 1850.

SIR: For the information of the general commanding the department, I have the honor to report that recently Aqua Ouash, chief of the Wacos and other tribes, visited this post to disclaim and to make compensa-

tion for certain depredations lately committed by some of his people under Chadcos, on the middle Bosque, as I have had occasion to report. For the latter purpose, he left two horses, one of which has been given up to one of the persons depredated on, and the other will be, whenever called for by the proper person.

The Comanche Yellow Wolf and his chiefs visited the post immediately after leaving San Antonio, professed to be friendly, and were treated accordingly.

On their leaving, I despatched Lieutenant Pickett to the Lampases, to watch their movements and repair the crossing. While there he reported to me that a portion of this people had gone inside of the line. I sent Captain Snelling in pursuit, to order and accompany them outside. He did not, however, succeed in finding them. I subsequently ascertained they made a short turn and went out of their own accord. Immediately after, most exaggerated accounts reached me that another portion of this tribe had visited and was then at Georgetown, where they were very offensive, and had committed outrages. Whereupon I sent Lieut. Pickett to look after the case. He found, as I had previously ascertained from citizens residing in that vicinity, that the account was a total fabrication. Ke-tump-see had been within some ten miles of the place, but, upon being warned by citizens to go further off, he did so without hesitation. He visited, I am informed, Judge Fisk, an old settler, who made him a present of a beef, and to whom he and his people were perfectly civil. The subsequent pursuit of this chief by dragoons and citizens has of course been reported to you. There is one suspicious circumstance attending this people. Their chiefs invariably come in without any of their warriors or young men, but any number of women and children, which leaves room for the inference that the former are engaged in distant forays upon the white people.

Very respectfully, your obedient servant,

W. R. MONTGOMERY,

Brevet Lieut. Colonel and Capt. 8th Infantry, commanding post.
Major GEORGE DEAS,
Assistant Adjutant General Eighth Department.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, July 3, 1850.

True copy.

GEORGE DEAS, *Assistant Adjutant General.*

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio de Bexar, July 5, 1850.

GENERAL: I have the honor to forward herewith copies of a communication from Captain Plummer, 1st infantry, commanding at Fort Merrill, dated June 30, and from Lieutenant Walker, of the volunteers, to his captain, dated June 19, both in relation to hostilities with the Indians between the Nueces and the Rio del Norte.

Very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington, D. C.

[For the information of the Adjutant General.]

HEADQUARTERS DETACHMENT FIRST INFANTRY,
Fort Merrill, June 30, 1850.

MAJOR: I have the honor to report that Lieutenant Underwood, 1st infantry, with one sergeant and seven men, returned this morning from Laredo, to which place they had been ordered on the morning of the 8th instant with the mail-rider, to open a direct road between this place and that point.

Lieutenant Underwood met with Indians twice on his route up—the first, the evening after leaving here, about twenty-five miles above here, on the Nueces; and the second time, about thirty or thirty-five miles from Laredo. In the first case, on the 8th instant, the Indians fired on his party from the opposite side of the river, which he crossed, and easily dispersed them. In the second case, on the 12th instant, he met a party of nine, well mounted, directly in the road, coming towards him. They commenced a fire upon him with guns and arrows, which was returned, and a sharp conflict ensued, which lasted about half an hour, when the Indians retreated. The condition of his horses, owing to the very heavy state of the roads, did not permit of even a charge, and he consequently dismounted his men and fought on foot. The result of the skirmish was as follows: one private killed on the ground, and one mortally wounded, who died a few days after at Fort McIntosh; and Lieut. Underwood and five privates wounded, although not very seriously. Three of the wounded he was compelled to leave at Fort McIntosh, to which place he repaired immediately after the skirmish. One Indian was killed on the ground and four wounded—one doubtless very seriously, if not mortally. Lieutenant Underwood lost one horse and one mule during the skirmish, which strayed off during the firing, and doubtless were carried away by the Indians.

The party of Lieutenant Underwood, when he left, consisted of himself 1 sergeant and 12 privates, the mail-carrier, guide, and 1 muleteer.

I am, sir, very respectfully, your obedient servant,

S. M. PLUMMER,

Captain 1st Infantry, commanding.

Brevet Major GEORGE DEAS,
Assistant Adjutant General, San Antonio.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, July 4, 1850.

True copy.

GEORGE DEAS, *Assistant Adjutant General.*

[For the information of the Adjutant General.]

CAMP LOREDO, *June 19, 1850.*

CAPTAIN: I have the honor to report my operations since assuming command of a detachment on the 11th of May. In accordance with your directions, I made a forward movement in the direction of the Pato. On the 12th one of my men was pursued near camp by a party of fifteen Indians.

Immediate pursuit was made, and continued for ten or twelve miles: finding our horses were failing, I drew off. On the 14th I arrived at Camp Loredo. On the night of the 20th a party of Indians visited my camp for the purpose of stealing my horses. The vigilance of the guard prevented the effecting of their end. On the morning of the 21st, at the head of seven men of your command and six of the mounted infantry, I followed the trail of the Indians, which led down the Rio Grande. Eighteen miles below Loredo the Indians scattered; three of them crossed the river. I was then unable to pursue further. I remained in camp, recruiting my horses, though keeping well advised that there were no Indians in my vicinity.

On the morning of June 15, at an early hour, a Mexican brought me intelligence that a party of Indians were within a mile and a half of camp. At 7 o'clock I took up the line of march, at the head of twelve men; struck the trail within two miles; followed it at half speed eighteen miles. Finding the Indians had scattered and gone into a bend of the river to gather horses, I directed the men to prepare breakfast at the rancho Benavidos, and to keep a strict watch for the Indians, who, I expected, would pass out close to us. In the course of half an hour a party of seven Indians approached within gunshot of my camp. They were fired upon and fled: after a run of a mile, I engaged them, and a running fight ensued. The Indians were encumbered by a large *caballada*, which they were endeavoring to drive—consequently we had a fair opportunity to play upon them with our rifles. Our shots told so well that the enemy deserted their stolen horses and retreated in confusion and rapidly. Pursuit was continued for a mile further. My horses being so greatly fatigued I could not keep my party together, I withdrew my men. The run was through a heavy chaparral, and it became so dense it was impossible to follow the Indians further. The *caballada* was recovered and delivered to the owners.

The loss of the enemy was three killed and three wounded—among the latter the chief. Private Edward A. Stephens, of my command, was slightly wounded in the head. We captured three horses, two bows and arrows, shields, &c., &c. I beg leave to present to your favorable notice private E. A. Stephens, who killed two Indians, and acted with undaunted bravery throughout the fight. I also take pleasure in speaking in the highest terms of the gallant bearing of the whole command.

I have the honor to be your obedient servant,

ANDREW J. WALKER,

First Lieut. Capt. Ford's company Texas M. Vols.

Capt. JOHN S. FORD,

Commanding company Texas M. Vols.

N. B. June 20, 1850.—On the 19th some Mexicans visited the spot where I engaged the Indians, and found a little way from it the dead body of the chief, with his arms and saddle. His horse had been tied near by, but had broken loose. The Comanche prisoner recognised the shield and other things as belonging to a son of Pa-ha-ya ca. He says he was the favorite son of his father, and held in high estimation by the whole nation, and that large parties will certainly come down to revenge his death.

A. J. WALKER, *Lieut., &c.*

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio de Bejar, July 4, 1850.

True copy.

GEORGE DEAS, *Assistant Adjutant General.*

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio de Bejar, July 25, 1850.

GENERAL: I have the honor to forward herewith a copy of a communication received from Captain Ford, of the Texas volunteers, accompanied by a report from his lieutenant, dated July 3, of an attack made by Indians on his camp at San Antonio Viego.

Very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

To Brevet Major General R. JONES,
Adjutant General, Washington, D. C.

[For the information of the Adjutant General.]

CAMP SAN ANTONIO VIEGO,
July 3, 1850.

CAPTAIN: I have the honor to report that, on the 20th June, the mail-rider and his escort arrived here, and reported two Indian trails crossing the Loredo road near the San Juanito, and bearing in the direction of Belville. I accordingly despatched a scout of nine men, under the control of private A. J. Sharp, to make a reconnaissance in the neighborhood of Chalco Largo and Belville, with orders to return in the course of five days. I also sent four men to Ringgold Barracks, to escort forage wagons, provided they were forwarded. These details left me but ten men in camp. On the morning of the 26th, about ten o'clock, the camp was approached from the south by a large party of Indians, having come within two hundred and fifty yards of me, under cover of the timber. They rushed upon the horses, which were tied within one hundred yards of camp. I ordered the men to cover their horses, if possible; but, before it could be executed, I discovered a party of fifty or sixty charging the camp in front, and that we were completely surrounded by them. I rallied seven men to this point, and checked the advance of the enemy. In the interim, other parties charged the horses, cutting and breaking loose the whole of them, except two, which were saved by three men, who rushed in among the Indians and drove them back. The Indians retired beyond the reach of our rifles, and drew up within four hundred yards. So eager were the men to engage them, that they rushed out on foot and endeavored to banter them into a fight: the foe declined, and would retreat beyond the reach of our guns, whenever any of the men approached them, under cover of the timber. While they were drawn up, we had an opportunity to count them—they numbered two hundred and upwards. They remained in the same position until 3 o'clock in the evening, and moved off north of east. I placed the rude building erected for the preservation of quartermaster and commissary stores in a state of defence, by means of boxes,

barrels, &c., supplied it with water, stowed away everything that was valuable, determined to retire to it, and hold it to the last extremity. For three days they continued to annoy me, though in small parties.

Sharp's party came in on the 27th; I was then able to drive them off. I am confident I should have been enabled to protect my horses, had there been a supply of forage on hand; but unfortunately there had been none for three weeks previous.

The company have been without rations of forage for about sixty days out of one hundred and forty. The ascertained loss of the enemy was one killed; my loss of men was none. There were ten company horses taken, and two killed; also, one horse and five mules belonging to the government. Dr. P. N. Luckett lost his horse likewise.

The men of my command behaved most admirably. I found no difficulty, only in restraining them from venturing too far from camp.

I have the honor to be your obedient servant,

M. B. HIGHSMITH,

*Second Lieut. Capt. Ford's comp'y Texas Mounted Vol's,
commanding Camp San Antonio Viego.*

Captain J. S. FORD,

Commanding company Texas Mounted Volunteers.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,

San Antonio, July 24, 1850.

True copy.

GEO. DEAS,

Assistant Adjutant General.

[For the information of the Adjutant General]

CAMP SAN ANTONIO VIEGO,

July 4, 1850.

MAJOR: I have the honor to report that, on the evening of June 30, I received intelligence at Laredo that my camp at this place was surrounded by a large body of Indians. I moved to the relief of Lieutenant Highsmith, and arrived here on the 1st instant. The Indians have left the immediate vicinity of the encampment, and have gone below. For the particulars of the attack, I refer you to Lieutenant Highsmith. No loss of horses would have occurred but for the want of forage. The men were compelled to "stake out" to subsist their animals; and it is not possible to find a sufficiency of grass near camp to keep each horse under the control of its owner. I believe the language of complaint has never been heard from me. Heretofore, when my supplies did not reach me, some reasons would be offered in excuse. The instances of this sort occurring since my arrival at this point have been so many, and so utterly without an extenuating circumstance, that I deem them nothing short of a deliberate and studied attempt on the part of the commanding officer at Ringgold Barracks to unjustly withhold the supplies, and thereby cripple the efficiency of my company. Trains have passed my encampment heavily laden with forage, and not a bushel delivered to my acting assistant quartermaster, in the face of repeated applications and requisitions, and

the denial of the ability to furnish. It seems the commanding officer thinks he has not been treated with due official etiquette by General Brooke, in not being formally notified that my company had been ordered to take position at San Antonio Viego.

He said the supplies were, so far as furnished, a matter of accommodation, notwithstanding the order to that effect even while my command was at San Gertrude.

An estimate was made by Lieutenant Highsmith for funds; it was forwarded to the quartermaster at Fort Brown; he stated in reply that he did not recognise San Antonio Viego as lying within his district. The lieutenant is, and has been, without funds to pay the muleteers, or defray any other expense. Lieutenant Caldwell, acting quartermaster at Ringgold Barracks, has, as far as he was able, extended every official and personal favor to my command.

I had organized a scout of forty-four men, and reached Laredo, en route for San Antonio de Bexar—intending to make a reconnaissance on the Nueces, and to deliver the Indian captive to Major General Brooke. When the order of June 4 was received, I thought it advisable to remain at that point until further orders, or until the reception of such information as rendered it necessary to move.

Another wounded Indian was found by the Mexicans near the place Lieutenant Walker's skirmish occurred; he would not have recovered; the Mexicans shot him. This is the fifth out of the seven he engaged.

The Indians are reported to be near Roma. To day I shall move in that direction with fifty men, and follow their trail, lead where it may.

I beg leave to call your attention to the good conduct of Lieutenant Highsmith during the presence of Indians around my camp. But for the daring and gallant bearing of my men, the camp would have fallen into the hands of the enemy.

Roque is of opinion that the savages were in quest of the prisoner. I left him in charge of Captain Burbank.

I have the honor to be your obedient servant,

JOHN S. FORD,

Captain, commanding company Texas Mounted Volunteers.

Major GEORGE DEAS,

Asst. Adj. Gen. Eighth Mil. Dept., San Antonio, Texas.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, July 24, 1850.

True copy.

GEO. DEAS,

Assistant Adjutant General.

HEADQUARTERS EIGHTH DEPARTMENT,
San Antonio, July 28, 1850.

COLONEL: I have the honor to forward a copy of a certain set of resolutions passed at a public meeting of the citizens of this place on the 26th instant.

I have no hesitation in saying that the depredations of the Indians have become more frequent, and more daring and impudent, than could have

been expected. I have no idea that a check or chastisement of these marauding savages can be effected without a considerable increase of force in this department; and further, that the war must be carried into their own country. I do not believe that three thousand men, or more, stationed at the frontier posts, can prevent these deluded people from secretly passing the line of posts in very small parties at different points, and afterwards uniting in large bodies in particular neighborhoods, where they commit their acts of murder and depredation, and instantly return to their own country, neither stopping night nor day until they conceive themselves out of danger. It is impossible to place a force at every point which may be attacked; and, from their perfect knowledge of the country, they are enabled to travel the most secret and unknown byways, eluding observation and discovery, whilst, from their natural instinct and education, they are the best spies and riders in the world, always certain to discover their proximity to any hostile force, with a certain and accurate knowledge of the design and intention of the pursuing party from the direction which it has taken and the point to where it has to go. I am, therefore, thoroughly convinced that nothing less than an invasion of their own homes and settlements can terminate this sad state of things. The force required should be large and mounted, and should enter the Indian country in three columns and at as many different points—say, one column from the neighborhood of Fort Graham, another from Fredericksburg, and the third from Fort Inge—moving simultaneously and in concert. The column from Fort Inge would enter the Lipan country; that from Fort Martin Scott, the Comanche; and the third, from Fort Graham, would act against the Wacos, Tonkaways, Wichitas, and Towahnees, and other tribes, all of whom equally deserve the most severe punishment. All the present frontier posts should still retain a part of their garrisons, for the prevention of attacks in our rear, and the protection of the villages and settlements which we have left behind us. I can well conceive the great cost and expense to which the United States will be subjected, but it is impossible that the present state of things should be continued.

In answer to the application of the meeting for the raising of more volunteers, I shall state that two companies of the fifth infantry will arrive here on Tuesday or Wednesday next, which I will mount, and endeavor to cover the country as well as I can, until further instructions are received from the War Department or the General-in-chief.

The two companies of the eighth infantry at this post are reduced to skeleton companies; and at this moment I have only a few extra-duty-men present, and am not able to mount a guard—all the others being now on duty in scouting and furnishing escorts to trains transporting public supplies to the different posts. The roads and country are so infested with Indians that no train can leave without protection.

I am, very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

To Brevet Lieut. Colonel W. G. FREEMAN,
Assistant Adjutant General, headquarters of the army, New York.

[For the information of the General-in-chief.]

At a large and respectable meeting of the citizens of San Antonio, held at the American Exchange, on Friday, July 26, 1850, the following resolutions were unanimously adopted:

Whereas it is rendered certain, from positive and reliable information, that the greater portion of that part of western Texas extending from the Guadalupe to the Rio Grande has been during the last month, and still is, infested and overrun by numerous bands of hostile savages, which has already resulted in the sacrifice of many lives and the loss of a great amount of property:

And whereas the depredations of these savages are daily increasing both in frequency and boldness, and are now committed almost within sight of our city, and, if not promptly arrested, will soon destroy and break up every frontier settlement within that territory: Therefore, be it

Resolved, That the preservation of the lives, safety, and property of the citizens, and of the existence of the present frontier settlements, imperatively demands that the most active and prompt measures be adopted to rid the country effectually of these hostile marauding bands, and to inflict upon them a merited chastisement.

Resolved, That the recent successes of the various marauding bands of Indians will no doubt encourage them to prosecute still further outrages and barbarities, which must evidently result in the destruction of the frontier settlements and a general Indian war.

Resolved, That, in the opinion of this meeting, the commanding officer of this military department has furnished every protection possible from the limited force and material under his control, and is in no degree censurable for these outrages, not having been furnished with the necessary force for either preventing or punishing them.

Resolved, That the present deplorable situation of this frontier is justly attributable to the inexcusable neglect of the War Department; that, notwithstanding that department has been frequently furnished with true representations of our actual condition and necessities, and has been repeatedly implored in the most earnest terms to furnish the necessary protection for the lives and property of our citizens, yet the head of the department has entirely disregarded our complaints; and we are justified in concluding that his conduct is controlled either from a want of capacity to properly fill the station he occupies, or from an utter want of feeling and a disregard for the sufferings of his fellow-citizens.

Resolved, That the present emergency in our Indian relations justifies the exercise of extraordinary powers in giving immediate protection to this frontier; and we respectfully request the commanding officer of this department to call into immediate service a sufficient number of volunteers to clear the country of these marauding bands, and to punish the authors of these depredations, believing that the necessity of the case will fully justify the action.

Resolved, That the secretary be instructed to furnish to General George M. Brooke, commanding the eighth military department, a copy of these resolutions; and that the publishers of the newspapers in this city be requested to publish the same.

A true copy.

B. E. EDWARDS, *Secretary.*

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, July 28, 1850.

True copy.

GEO. DEAS,
Assistant Adjutant General.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, August 15, 1850.

GENERAL: I have the honor to forward the within petition from the citizens of Corpus Christi, which I really believe to be very nearly a true statement of their situation.

I propose to send the two companies of the 5th infantry (now temporarily detained here in consequence of the numerous parties of Indians who have lately committed several murders and the most serious depredations in the immediate neighborhood of this city, on the Cibolo and Salado, and destroyed the ranchos between this and Victoria) to Corpus Christi, and establish a garrison in that town.

The whole country appears to be filled with these savages, and, in fact, the common roads cannot be travelled without an escort. I have been compelled, from necessity, to continue in service the four mounted companies of volunteers for six months longer; and, if things remain as they now are, I am fearful that I shall have to increase this kind of force.

I have not been able to mount one-half of the regular infantry, as allowed, even in the reduced state of the companies; and, when recruits are received, making the companies eighty-four rank and file, it will be still more difficult, as it is very nearly impossible to procure good horses in Texas, whilst the prices (knowing that they are required for the United States) are exceedingly high.

I would strongly recommend that a large number of horses be purchased at once for this department in Kentucky and Tennessee, where they are much better and cheaper. Tennessee horses are believed to be the best.

I am, very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

To Major General Brooke, commanding, San Antonio:

We, the citizens of Corpus Christi and vicinity, respectfully represent that, in consequence of the unprecedented outrages and depredations upon the lives and property of our fellow-citizens and ourselves lately committed, and still being committed, in this vicinity, and the want of horses, arms, ammunition, and means to buy them, which has been occasioned by the interruption of all business here by danger from Indians; and because this is the natural position from which to send out scouts to arrest the Indians which may be committing their nefarious deeds; and because all the reports and information of the Indians below here, and on all the principal roads leading from here to the Rio Grande, including all the country back of here, arrive at this place before they can be communica-

ted to any of the military companies as they are now stationed—therefore, we believe it but just and proper to ask that a company of well-mounted men be stationed at this point, to be ready at any moment to pursue the Indians, whenever tidings of their being in the country reaches here; that such an arrangement would greatly aid the military service. As it is now, the Indian news first arriving here, before it can be despatched to any of the companies, and aid arrive, the Indians have time and opportunity to be out of reach of all danger of being overtaken. We therefore respectfully ask that the commanding general station such a force of well-mounted men here as shall to him seem necessary and proper, in view of all the circumstances and conditions.

The undersigned also request the company stationed here should be as soon as possible.

CHAS. W. BLACKWELL,
WILLIAM STEWART,
JAMES R. BARNARD,
THOMAS S. PARKER,
JOSHUA HINTON,
J. W. KINNEY,

H. L. KINNEY,
WM. L. ROGERS,
GEORGE GREEN,
H. W. BERRY,
ROBERT ATKINS,
S. S. RICHARDS,

and 34 others:

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio de Bexar, August 15, 1850.

True copy.

GEO. DEAS,
Assistant Adjutant General.

[Extract.]

ADJUTANT GENERAL'S OFFICE,
Washington, September 20, 1850.

GENERAL: Your letter of the 15th August has been laid before the General-in-chief and Secretary of War; and the Quartermaster General has been instructed, in accordance with your recommendation, to purchase horses for the eighth department so soon as he shall be in funds.

With respect to the ordering the two companies of the 5th regiment (whose headquarters are at Fort Gibson) to Corpus Christi, it is proper to remark that, according to the general rule, it would have been better if these two companies had remained near their colors, rather than that contiguous lines occupied by other regiments should have been broken. The convenience and other considerations of the service require that the companies of the same regiments should, when practicable, occupy unbroken lines, so as to avoid any unnecessary increase of distance in communicating with the colors, &c.

Great negligence is observed in the volunteers in Texas in respect to the muster-rolls and returns required by the regulations and the rules and articles of war. They have not furnished either during the entire period of their service. You will please to have this omission corrected.

for the future, and the back muster-rolls and returns due forwarded, without unnecessary delay, to the Adjutant General's office.

I am, general, &c., &c.,

R. JONES,
Adjutant General.

Brevet Major General GEO. M. BROOKE,
Commanding 8th Department, San Antonio, Texas.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, September 17, 1850.

GENERAL: I have the honor to forward the reports of Brevet Lieut. Col. Hardee and Major Blake, 2d dragoons, and other officers, of the several scouts which have been made by my direction in this department. You will observe that, although not successful in every instance, it is believed that much good will result from them—particularly that of Brevet Lieut. Col. Hardee.

These scouts have been performed with great labor and privation, and have afforded me much satisfaction in the energy and industry with which they have been executed.

You will also receive "orders" No. 39, in reference to a general scout throughout the entire department, to take place simultaneously from each post on the 15th proximo.

I am, very respectfully, your obedient servant,

GEO. M. BROOKE,
Brevet Major General.

To Major General WINFIELD SCOTT,
General-in-chief, Washington city, D. C.

SAN ANTONIO, TEXAS,
September 14, 1850.

MAJOR: I have the honor to submit the following report of the operations of troops under my command in a campaign against the Indians, made in obedience to "orders" No. 27, of June 4, 1850.

On the receipt of your order, I concentrated Captain Oakes's company, 2d dragoons, and Captain Wallace's company, Texas volunteers, at Fort Inge; and, on the 23d of the same month, made the following disposition for a combined movement on Fort Merrill: I directed Captain Oakes to move down the left bank of the Rio Frio; Wallace to move down the right bank of the Nueces; while I moved, in person, between these rivers, crossing the Nueces about 25 miles from Fort Merrill. At the same time, I sent a detachment of Wallace's company, under Lieutenant Brady, direct to Loredo, with instructions to the mounted company at that post to examine the country north of the San Antonio and Loredo road; while Brady was directed to examine the country south of the same road, and to report at Fort Merrill. The mounted company at Loredo was ordered to return to its post after making the scout above indicated. Oakes reached Fort Merrill on the 3d July, Wallace and myself on the

5th, and Brady on the 9th. No Indians or recent signs of Indians were seen by either of these columns. Captain Grumbles, who had been directed to make a scout to Arkansas bay and Refugio and report to me at Fort Merrill, informed me, in writing, that he had not been able to make this scout, on account of excessive rains. I immediately ordered a part of his command, under Lieutenant Gouch, to the mouth of the Cibolo, to protect the settlements on the San Antonio, while I directed Lieutenant Bagby and thirty men to join me for active service.

On the 8th of July, news having reached me that the Indians had committed depredations near Corpus Christi, I immediately despatched Captain Wallace to the point specified, with directions to take up the trail and to follow the Indians wherever they might go. At the same time, I despatched Captain Oakes across the country to Loredo, in the hope that he might intercept their trail, should the Indians have gone above. By Captain Oakes I forwarded orders to the companies on the Rio Grande, giving such instructions for scouts as to insure a combined movement of all the troops under my command. Wallace returned to Fort Merrill without finding the Mexican who was reported to have been killed, or without seeing any signs of Indians. Oakes, after following a trail of Indians for two days, came upon a camp of a small party of Indians on the 11th. He succeeded in killing two, and in capturing twenty-one horses, one mule, with a number of saddles, bows, arrows, &c.—leaving the Indians who escaped in a perfectly destitute condition. On the 18th July, the troops under my command were directed to make the following scouts, concentrating at Fort McIntosh: Captain Granger, 1st infantry, with a detachment of Captain Grumbles's company, under Lieut. Bagby, was directed to move on Loma Blanca, from which point they were to divide—the former to return to Fort Merrill by the way of the settlements on the Aqua Dulce and the Oso, while Lieutenant Bagby was directed to move through the country to Fort McIntosh; Wallace was directed to move up the Nueces to Espantosa lake; Brady to move through the country by the most direct route to Fort McIntosh; while I was to reach the same point by passing up the Nueces. Ford, who was at the San Antonio Wells, made a scout on the Rio Grande; while Captain Oakes and Lieutenant Holabird made scouts respectively to the south and north of the Loredo and San Antonio road. In connexion with this movement, and at my request, scouts were sent out from Ringgold Barracks and Fort Duncan in the direction of Loredo—so that ten columns, each column pursuing a different direction, were moving simultaneously between the Nueces and Rio Grande.

In this movement, Captain Ford pursued and drove a small party of Indians across the Rio Grande: they barely reached the opposite bank in time to save themselves. Captain Wallace, in the execution of orders, met with a considerable body of Indians on the left bank of the Nueces: they attacked him, and in the encounter Wallace reports to have killed seven Indians, wounded nine, and to have had three of his own command wounded. None of the other parties met with Indians. I reached Loredo on the 27th, and, as soon as I could get my command together, I made arrangements for another movement across the country. I directed Captain Oakes to move down the San Roque to the Nueces, and from thence to proceed through the country to his post on the Rio Seco. I directed Captain Ford to pass down on the right, and Lieut. Walker, the

1st lieutenant of his company, to pass down on the left bank of the Raices. Lieutenant Brady was ordered to examine the country about the Great Comanche crossing on the Nueces, to pass that stream, examine the Frio, and to join me at Fort Merrill. Lieutenant Underwood was directed to scout about the junction of the Nueces and Frio, to examine the right bank of the former river for about sixty miles, to make a circle to his left, and to return to his post by way of the Laguna Trinidad. With Lieutenant Bagby and my own command, I left Fort McIntosh to examine the country below, extending from the lower Alburque to Corpus Christi.

Captain Oakes was again fortunate in finding a small party of Indians. He killed three and captured a number of horses, &c., but, I regret to say, was himself severely wounded. Lieutenant Tyler, of my company, who had been left at Fort Inge during my absence, on learning that the Indians fought by Captain Wallace had not probably left the lower country, united a part of his command with that of Captain McCown, and went out in pursuit of them. He overtook them on the Nueces, about eighty miles above the Leona. The Indians were thirty strong, and advantageously posted. He charged them gallantly, at the head of ten men, killed two, wounded some, and dispersed the remainder. Much booty, consisting of horses, shot-pouches, &c., was left in the hands of the victors. Before arriving at Corpus Christi, at the Peco Chalco, I met Lieutenant Bagby in the direction of the coast, while I went in person direct to that point.

After resting a few days at Corpus Christi, I again left that place, with a view of making a thorough examination of the country in the neighborhood. On the 20th, I despatched Lieutenant Bagby to examine to the Oso, the Alazan to the coast, thence to the San Gertrude, and up that river to Fort Merrill. On the 21st, I left to examine the Aqua Dulce, the Presenos, the Olmos, the Laquarta, and the Ramariania.

I reached Fort Merrill on the 27th, Lieutenant Bagby on the 26th. Neither of us discovered any Indians, or recent signs of Indians. On the 31st, I left Fort Merrill for Fort Inge, in obedience to your order, to resume the command of that post. I reached Fort Inge on the 6th of September.

The country between the Nueces and the Rio Grande, extending from Wool's road to the coast, is for the most part a barren prairie, with but little water and timber. A portion of this country is entirely destitute of water, and in other parts it is only to be found in water-holes, sometimes at great distances, difficult to find, and not always furnishing an abundant or a good supply.

The absence of shade trees rendered the heat very oppressive at times. The thermometer ranged from 94 to 107 in the shade: and this heat was the more sensibly felt, as my men and horses were sometimes from 24 to 36 hours without water. The Indians disperse themselves over this country in small bands, prowl around the settlements, awaiting a favorable moment to murder and rob, and, having accomplished their object, they speedily cross the Rio Grande and elude pursuit, or fly with speed to their homes in the upper country. It is difficult, nay, impossible, to overtake and punish any of the parties, when they become aware of pursuit. If in danger of being overtaken, they scatter, and, each pursuing a different route to some remote point, they effectually baffle the skill of the most experienced trailers. My object has been, as far as circumstances would permit, to push my scouts through unfrequented parts of the

country, to take up the trails where Indians least expected to be pursued, to follow these trails cautiously and quietly, and in this way to take them by surprise.

If the Indians stop anywhere in the lower country to recruit and rest their horses, they do so, I believe, either on the Arroyos Las Raices and San Roque or about some of the large lakes on the Nueces; and in this connexion I would respectfully recommend that a company of volunteers should be stationed near the junction of the Las Raices with the Nueces. Either this should be done or Laredo should be reinforced with two additional companies, so that the mounted force at that point may be at least equal to one hundred and fifty men. I judge also that good policy, if not necessity, requires that a garrison of regular troops should be stationed at Corpus Christi. In this neighborhood are many Mexicans whose business is to hunt the wild mustangs on the prairies. They are for the most part men of bad character; they live like Indians, dress like them, and I fear resemble them in many other points.

It affords me great pleasure to notice the effective co-operation which I received from Captain Granger and Lieutenants Underwood and Holabird, of the 1st infantry, and from Captain Oakes, of the 2d dragoons. The latter met Indians twice. He is an officer full of zeal, intelligence, and gallantry; and I would especially recommend him to the favorable consideration of the commanding general.

The volunteers, with a few exceptions, evinced much energy and intelligence, and obeyed my orders; but in irregular cavalry, where the horses are owned by the volunteers, it must be expected that they will consider the preservation of their animals as paramount to other considerations.

With much respect, I have the honor to be your most obedient servant,

W. J. HARDEE,

Brevet Lieutenant Colonel U. S. A.

To Major GEO. DEAS, *Assistant Adjutant General,*
Headquarters 8th Military Department, San Antonio, Texas.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, Texas, Sept. 16, 1850.

Official.

GEO. DEAS, *Assistant Adjutant General.*

FORT CROGHAN, TEXAS,
August 24, 1850.

SIR: I have the honor to report, for the information of the general commanding, that, in obedience to his instructions, transmitted to me through Lieutenant Colonel Fauntleroy, 2d dragoons, and received by me early in the morning of the 26th ultimo, I moved, immediately after reveille, with all the available men of my company, (thirty-two,) in the direction of Fort Martin Scott. In crossing the country between Forts Croghan and Martin Scott, nothing was to be seen of any recent Indian trail; and I feel convinced that I was ahead of the party which had committed the late depredations. At Fort Martin Scott I learned that Brevet Major Merrill, 2d dragoons, had found the trail, and was in full pursuit. He had

with him a portion of his own company and a small detachment of the 2d dragoons, commanded by Lieutenant Wood. I immediately returned towards the Colorado, (having been joined by Lieutenant Street, with twelve mounted men, infantry,) until I intersected Major Merrill's trail, which I followed until I found him, near the Colorado, a short distance above the mouth of Pecan Bayou. The guides of Major Merrill's command had not been able to follow the trail constantly up to the point: intervals of half a day occurred frequently without the trail being seen; but, from the general knowledge of woodcraft possessed by the guides, as also from the general direction of the trail, they were enabled to give fixed points of direction to his march. After crossing the Colorado the trail was not seen more than twice, and this on the day the river was crossed. The general direction of the trail indicated that the marauding party had gone to the Indian villages near the forks of the Brazos river; and, being impressed with that opinion, I determined, after the final loss of the trail, and after abandoning all hope of overtaking the savages, to visit their usual places of resort in the region above referred to. I moved on towards them, and arrived at the Caddo village on the 8th instant. There I met the principal men of the adjacent villages, comprising deputations from the Wacos, Keechis, and perhaps Ionis. They professed to have the most amicable dispositions towards the whites, and reprobated the practice of stealing. They acknowledged that some of their young men had been engaged in committing depredations, but reported their inability to prevent the commission of such acts. This was particularly the case with Aquagosh, the chief of the Wacos. He confessed, at the first interview, that there was some stolen property at his village, and that he would give it up immediately. One horse was all that was delivered up. He stated that the others (three or four mules) had been driven off by some of his people in the direction of the Wichita mountains. In answer to my demand for the perpetrators of the robbery, he stated that they had accompanied the stolen property. He further stated that the Tonkaways, assisted, perhaps, by the Wichitas, were constantly engaged in thieving expeditions, and that a trail made by them had been seen in the valley of Pecan Bayou a few days previous to our arrival, and that their stealing was not confined to the whites, but that they committed thefts on other Indians, and offered guides to conduct us to the Wichitas. The state of our provisions, as well as horses, precluded any attempt at a more protracted pursuit. Notwithstanding the protestations of innocence on the part of the principal men at these villages, I am by no means satisfied of their guiltlessness. If they are not generally active participators in the deeds of plunder, &c., they are aiders and abettors by harboring stolen property, or trafficking for it after it is stolen. A public mule was recognised by one of the officers, which had been sold to a Kickapoo by a Waco a few days previous to our arrival at their village. I demanded the mule of him, and he promised to bring it to me in the morning; but I left for the Waco village before he had time to bring it in, as he was on his way to the trading-house near Fort Graham. I reported the fact to Lieutenant Colonel Bomford, who can get it by sending to that place. Their villages are a concentrating and resting depot for the marauders, after they have gone beyond the reach of chastisement or recapture. I did not, however, feel authorized by my instructions to treat them as

avowed enemies. They are now engaged in cultivating, in a very rude manner, the bottom of the Brazos adjacent to the lodges.

The day after our arrival at the Caddo village, I took up the returning line of march, taking the Waco village *en route*. As my provisions were nearly exhausted, I directed the guides to conduct us by the nearest practicable route to Fort Graham. This point I reached in five days from the villages. I do not think that the distance between the post and the villages exceeds four days' march for fresh horses. There is a plain trail the entire distance, passing through a good grazing country, easily passable in all directions for horsemen or pack mules. A party of dragoons leaving either Fort Graham or Worth can readily make the march to the villages, examine the mountain passes and gorges in their vicinity for the stolen property, and return to their post in twelve or fifteen days. The command should be sufficiently large to detach (after leaving a good camp-guard) several parties of from twenty to thirty men to examine their houses, &c., to be found in the gorges of the mountains.

After resting two days at Fort Graham, I proceeded to Fort Gates. There I again halted for a couple of days. These halts were necessary to restore the horses. At Fort Gates Lieutenant Wood left me with his command to return to Austin. Major Merrill, Lieutenants Street and Blake—the two last of the 8th infantry—continued with me at Fort Croghan. During a considerable portion of our absence the men lived on half-rations. The horses of the entire command returned much jaded and broken down—not more, however, than was to be expected from a long march, (over a rough country,) made on grass, immediately after being taken from corn. The condition of my own company horses, as well as those equipped with the same saddle, is to be attributed to the deplorable horse-appointments which are furnished us: most of their backs are sore, and it will require at least six weeks to place them in serviceable condition again.

I would here add that I have learned from Major Merrill that he passed on the trail, during the first day of his pursuit, the carcasses of a horse and mule—the horse probably broken down, and the mule killed for food. The horse delivered over by the Wacos I turned over to Lieutenant Street, to await the orders of the general commanding.

I arrived at this post on the 22d instant, after an absence of twenty-eight days, having marched upwards of five hundred and fifty miles.

I am, sir, very respectfully, your obedient servant,

GEO. A. H. BLAKE,

Captain, and Brevet Major 2d Dragoons, commanding.

Maj. GEO. DEAS,

*Assistant Adjutant General Eighth Military Department,
San Antonio, Texas.*

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, September 12, 1854.

A true copy.

GEO. DEAS,

Assistant Adjutant General.

[ORDERS No. 39.] HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, September 17, 1850.

I. The decided favorable result which has attended the recent operations under Brevet Lieutenant Colonel Hardee against the Indians between the Rio Grande and the Nueces, has induced the general commanding to continue, from time to time, a close examination of the several valleys and passes in which the savages may be suspected to be lurking about. Accordingly, the following scouts will be commenced (simultaneously from each post) on the 15th of next month, and will be continued over the country designated for fifteen days—which will allow time sufficient for each detachment to return to its post at the end of the month, should Indians not be discovered; if such should be the case, pursuit will take place.

Brevet Lieutenant Colonel Hardee, with his own and Wallace's company of volunteers, to examine the Frio and Nueces passes above the line of posts; Brevet Captain Steele, with company "G," 2d dragoons, to proceed up the Cañon de Walde, and return by the valley of the Hondo, if possible; and McCown's company, Texas volunteers, to examine the Bandera pass, the Guadalupe and Cibolo valleys. The country between Fredericksburg and the Colorado will be observed by Brevet Major Merrill's company, 2d dragoons, stationed at Fort Martin Scott. The volunteer company lately under Captain Ford will be stationed on the Arroyo Raices, near its junction with the Nueces, and will scout on the right and left bank of that river as high as the Tortuga lake. From Fort Duncan, the scouts will proceed as far as the Espantosa lake, returning by the valley of the Nueces and Wool's road. The mounted company at Laredo to scout to Presido Rio Grande, and that at Ringgold's Barracks as far as Laredo—both to keep as near the bank of the Rio Grande as practicable. The examinations from Fort Brown will extend towards the Salt Lake and the Arroyo Colorado. Brevet Lieutenant Colonel Abercrombie, who is to be stationed at Corpus Christi, with two companies of the 5th infantry, will order the mounted company of his command to scout to the Oso, Agua Dulce, San Diego, and Presenos, returning by the way of San Patricio. From Fort Merrill the scouts will go as far as the Raices, by the right bank of the Nueces, and return between that river and the Frio, crossing at the Paso Piedra. The main body of Bagby's company of volunteers will scout in the valley of the San Miguel and Hondo, and its detachment (stationed at the Conquista crossing) on the San Antonio, the Wacinalos, and the Cibolo. The scouts from San Antonio will proceed in the direction of New Brunfels as far as the Cibolo, and down that valley to the Sulphur Springs.

II. In these operations, should the Indians (or recent signs of their presence) be discovered, a vigorous pursuit will be given, with the view to recover stolen property and punish the offenders. In the event of the probability of a long pursuit, information will be sent by the pursuing party to the post nearest at hand, with requisitions for supplies to be forwarded on the trail, as also reinforcements, if necessary. In going over the ground to discover the Indians, it is recommended to the scouts to make but short daily marches. There would, by this plan, be as great probability of discovering the enemy as by longer marches; and, as a matter of course, the men and horses would be all the more fresh, in case a trail were to be found, and pursuit given.

III. At Forts Croghan, Gates, Graham, and Worth, on the frontiers between the Colorado of Texas and the Red river, the respective commanding officers will order such scouts to be made below the present frontier line as may be considered best for the prevention of depredations. The scouts will, in the event of discovering predatory parties of Indians, be governed by the foregoing instructions as to pursuit, &c.

By order of Brevet Major General Brooke:

GEORGE DEAS,
Assistant Adjutant General.

[Extract.]

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, October 10, 1850.

GENERAL: I much regret also to forward copies of three communications on the subject of the abduction by the Indians of two young girls, the daughters of a Mr. Thomas, residing near Lamar. Orders have been given to the commanding officers of the several posts in the department to take the most active steps to recapture these most unfortunate women; and should the least trace of them be found, the troops are directed to pursue to the very villages of the Indians themselves, and demand immediate restoration, or instant satisfaction will be taken. It is not known to what tribe these Indians belong, but most probably to the Wacos.

In looking at the present state of Indian affairs, I earnestly recommend that a general council be held with the different tribes at the earliest possible period.

I am, very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington, D. C.

[For the information of the Adjutant General.]

CORPUS CHRISTI, TEXAS,
October 4, 1850.

CAPTAIN: Enclosed I send you a communication from Mr. Norton, of Copano, known to me as a man of character and veracity. Mr. Burns, who is spoken of in the letter, is also known to me as such. Judge Neil, the editor of the paper here, vouches for Mr. Simpson, also spoken of. I send it to you, being the nearest military station, and nearest in the route of the Indians. Please forward it to headquarters.

-Very respectfully, your obedient servant,

P. W. HUMPHREYS,
Agent Second Military Department.

Captain S. M. PLUMMER,
United States Infantry, commanding Fort Merrill.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, October 8, 1850.

True copy

GEO. DEAS,
Assistant Adjutant General.

[For the information of the Adjutant General.]

HEADQUARTERS BATTALION FIRST INFANTRY,
Fort Merrill, October 6, 1850.

MAJOR: I have the honor to forward you herewith a communication from the agents of the quartermaster's department at Corpus Christi, covering one from Judge Norton, giving information that twelve Indians had made their appearance in the vicinity of Lamar, near Arkansas bay, and carried off two of Mr. Thomas's daughters. This communication was received about 5 o'clock last night; and I despatched Lieutenant Underwood, with twelve men, accompanied by two citizens, during the night, to endeavor to intercept the Indians on their return, and with instructions, should they have passed up, to take the trail, pursue it with vigor, and endeavor to release the captives. I have further instructed him, should he find Indians, from indications, too strong for his party, to hang on their trail, and send back for reinforcements and subsistence; and I have respectfully to request that I may be authorized to move over a part of Captain Bagby's company to meet this contingency, should it be likely to occur. I send this communication up by private Neely, of H company, 1st infantry.

I am, major, very respectfully, your obedient servant,
S. M. PLUMMER,
Captain 1st Infantry, commanding.

Brevet Major GEO. DEAS,
Assistant Adjutant General, San Antonio.

[For the information of the Adjutant General.]

COPANO, October 2, 1850.

DEAR SIR: Word has just come from Lamar that the Indians (twelve in number) were at Mr. Thomas's, who lives twelve miles back of Lamar, yesterday, between 4 and 5 o'clock in the afternoon, and carried off two of his daughters, who were a mile and a half from the house after the cows. The Indians came within one hundred yards of the house, and drove off all the horses. This was brought to Lamar last night by Mr. Simpson, who had his horse stolen, and walked in on foot. Mr. Burns sent word here, to be forwarded to the mission.

Yours, truly,

Mr. D. W. BREWSTER.

H. D. NORTON.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, October 8, 1850.

True copy:

GEO. DEAS,
Assistant Adjutant General.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, October 15, 1850.

GENERAL: I have the honor to propose that hereafter, when volunteers are called out in this department, the term shall be twelve months, unless sooner discharged. Their term of service has been limited to six months, and I have experienced much inconvenience in their being mustered out and remustered into the service. The companies now in service are entering into their eighteen months' engagement. Many of them at the expiration of the term of six months would not remuster. The larger part of the company are willing to remain; and to complete the organization, we are compelled to recruit until the company is filled. They are just as willing to engage for twelve as for six months; and one great advantage accruing to length of service is, that the officers and men become better soldiers, as well as more intimately acquainted with the country and the haunts of the Indians. The expense to the United States is the same, for the reason that they would be discharged as soon as their services were not further required. In fact it would be more economical, as it saves the mileage for marching from their homes to the general rendezvous.

I am, very respectfully, your most obedient servant,
GEO. M. BROOKE,
Brevet Major General.

Brevet Major General R. JONES,
Adjutant General, Washington, D. C.

HEADQUARTERS EIGHTH MILITARY DEPARTMENT,
San Antonio, October 15, 1850.

GENERAL: I have been compelled, by the atrocities just committed by the Indians in the neighborhood of Lamar, to call out one more company of mounted volunteers to cover and protect the settlements in that part of the country.

It is impossible for me to change the locations of the four companies of volunteers now in service; for as sure as it is done, the Indians will take advantage of their absence to commit the like deeds under which the settlements have so horribly suffered. You will receive a paper printed at Victoria, containing the particulars of the late horrid transactions, which I believe to be entirely correct and true in every particular.

I have the honor to be, General, very respectfully, your most obedient servant,

GEO. M. BROOKE,
Brevet Major General.

To Brevet General R. JONES,
Adjutant General, Washington.

P. S.—No dates later than the 23d August from your office.

G. M. B.

Indian outrages again.

The Indians have again been down in the lower settlements, committing all manner of outrages. This time they came within twenty miles of Victoria, and after stealing horses, and committing an outrage upon a female too shocking and horrible to contemplate, much less describe, they succeeded in getting off with their plunder without molestation or harm. On Tuesday afternoon, the 1st instant, they came within two miles of the dwelling of a German by the name of Thomas, living about eight miles from Lamar, and captured two of his daughters who had gone out for the purpose of driving up cattle. One they succeeded in carrying off—the other, about fifteen years of age, having suffered severely from their brutal and shocking outrages, was left in a state too awful to describe, much lacerated and bruised. She was found next morning by a Mr. Fox, who was out hunting cattle, who carried her to the nearest house, where she was kindly taken care of. After these savages (about eighteen in number) had satisfied their sensual appetites, almost to the final destruction of the unfortunate female, they proceeded to the residence of Mr. Perry, on the San Antonio river, from whom they stole three horses. They then paid a visit to Mr. Tom Conner's ranch, where they stole ninety head of horses, the property of Mr. Welder. This is the third time this gentleman has been robbed of his animals by the Indians in less than two years. He is to be pitied. He is a German, and by extraordinary industry and exertions, after being twice before broken up, he had again accumulated this property, which in one night has thus been taken away from him, and he with his young family again left helpless, without a hope of recovering his property or receiving any remuneration from the government, which has sacredly promised to protect him in the peaceable possession of his property and his rights from Indians and others. How long is this sad and uncertain condition of things to remain? Are we to be left entirely without protection? How long must our people suffer because of the lying misrepresentations to the heads of departments at Washington by base and unprincipled villains, representing themselves to be Texans, and professing to be well acquainted with the country, and the safe and happy condition of the people? It is needless to say that we have already troops enough; for every day's experience is a sad and calamitous refutation of the charge. Our frontier is too large, too extended, to be protected by the limited number and character of the troops the government has placed upon our borders. These troops very probably do their duty, as far and as well as they can. They are insufficient in numbers, and their efforts, though well intended, have most signally failed. We blush to say, that within twenty-three miles of Victoria the females dare not venture out from home for a few miles without great danger of being taken prisoners and carried into almost hopeless bondage by the Indians. Thank God, our government at last is waking up from its Rip Van Winkle sleep, and is about giving us that description and number of troops which we have reason to believe are best calculated to protect our lives and property, and chastise these impudent rascals in their mountain homes. Our wives and children are now anxiously looking to the movements of General Scott and Secretary Conrad for their long-promised protection. Shall we look in vain? In the name of God and humanity, we hope not. We hope the ridiculous farce is now ended. We

have had fatal tragedies enough. Thousands upon thousands of dollars of the people's money have been spent in Congress while debating upon idle and ruinous abstract questions. Had one-half the money and time thus worse than uselessly spent been appropriated to the protection of our frontier, by calling out suitable troops, to-day we would be spared the necessity of recording these horrible crimes, and our people would be safely and quietly attending to their farms and their stocks—snugly seated under the protection of their own vine and fig-tree, with none to molest or make them afraid.

ADJUTANT GENERAL'S OFFICE,
Washington, November 7, 1850.

GENERAL: Your letters of the 10th of October, 11th of October, (two,) 15th of October, (two,) and 17th of October, (four,) with their respective enclosures, have been received and duly submitted. The General-in-chief directs me to say that your reasons for stationing the two companies of the fifth infantry at Corpus Christi are perfectly satisfactory, and that your measures generally, since in command of the eighth department, appear to have been energetic and judicious.

It is regretted that your proposition to muster volunteers for twelve months cannot be approved—the law not admitting of their being retained in service for that period.

I am, sir, &c., &c.,

L. THOMAS,
Assistant Adjutant General.

Brevet Major General GEO. M. BROOKE,
Commanding 8th department, San Antonio, Texas.

HEADQUARTERS NINTH MILITARY DEPARTMENT,
Santa Fe, New Mexico, March 2, 1850.

SIR: I transmit you herewith:

Department returns for January;
Post returns, Santa Fe, for February;
Copies of department orders (general and special) to date;
Proceedings of a general court-martial, excepting case No. 5, which has been returned to El Paso for a signature omitted;
Hospital muster-roll, Santa Fe, for January and February;
Certificates of disability—private James Gibson;
Report by Major Stein, 1st dragoons, of an expedition under his command;
Remarks of Major Van Horne on the subject of the transportation of supplies from San Antonio, Texas, to El Paso.

I am, respectfully, your obedient servant,

JOHN MUNROE,

Brevet Colonel U. S. Army, Comm'g Department.

Major General R. JONES,
Adjutant General U. S. Army.

Indian outrages again.

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How long is this sad and uncertain condition of things to remain? Are we to be left entirely without protection? How long must our people suffer because of the lying misrepresentations to the heads of departments at Washington by base and unprincipled villains, representing themselves to be Texans, and professing to be well acquainted with the country, and the safe and happy condition of the people? It is needless to say that we have already troops enough; for every day's experience is a sad and calamitous refutation of the charge. Our frontier is too large, too extended, to be protected by the limited number and character of the troops the government has placed upon our borders. These troops very properly do their duty, as far and as well as they can. They are insufficient in numbers, and their efforts, though well intended, have most signally failed. We blush to say, that within twenty-three miles of Victoria the females dare not venture out from home for a few miles without great danger of being taken prisoners and carried into almost hopeless bondage by the Indians. Thank God, our government at last is waking up from the Rip Van Winkle sleep, and is about giving us that description and number of troops which we have reason to believe are best calculated to protect our lives and property, and chastise these impudent red rascals in their mountain homes. Our wives and children are now anxiously looking to the movements of General Scott and Secretary Conrad for their long-promised protection. Shall we look in vain? In the name of God, and humanity, we hope not. We hope the ridiculous farce is now ended. We

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ASSISTANT GENERAL'S OFFICE,
Washington, November 7, 1856.

GENERAL: Your letters of the 10th of October, 11th of October, (two,) 15th of October, (two,) and 17th of October, (four,) with their respective enclosures, have been received and duly submitted. The General-in-chief directs me to say that your reasons for stationing the two companies of the fifth infantry at Corpus Christi are perfectly satisfactory, and that your measures generally, since in command of the eighth department, appear to have been energetic and judicious.

It is regretted that your proposition to muster volunteers for twelve months cannot be approved—the law not admitting of their being retained in service for that period.

I am, sir, &c., &c.,

L. THOMAS,
Assistant Adjutant General

Brigadier General GEO. M. BROCKEN,
Commanding 8th department, San Antonio, Texas

HEADQUARTERS NINTH MILITARY DEPARTMENT,
Santa Fe, New Mexico, March 2, 1856.

SIR: I transmit you herewith:
Department returns for January;
Post returns, Santa Fe, for February;
Copies of department orders (general and special) to date;
Proceedings of a general court-martial, excepting case No. 5, which has been returned to El Paso for a signature quantum;
Hospital muster roll, Santa Fe, for January and February;
Certificates of disability—private James Gibson;
Report by Major Stein, 1st dragoons, of an expedition under his command;
Remarks of Major Van Horne on the subject of the transportation of supplies from San Antonio, Texas, to El Paso.

I am, to punctuality, your obedient servant,

JOHN MUNRON,

Brigadier General U. S. Army, Cavalry Department

Major General H. JONES,

Adjutant General U. S. Army.

Retake of Preceding Frame

DONA ANA, NEW MEXICO, February 5, 1850.

SIR: I have the honor to submit to the commanding officer of this department the following report:

On Saturday, the 2d inst., about 8 o'clock a. m., a report was brought to my quarters that the Apaches had made a descent upon the herds grazing in the rear of the town, and driven off the stock, after wounding four Mexican herders—one of whom is since dead—and carrying away one boy. On inquiry I found the facts as stated; and that the Indians had come within a mile of the town—so near that they were seen by the men from their quarters. I immediately ordered out company A, 1st dragoons, and started in pursuit, accompanied by Lieutenant L. W. O'Bannon, 3d infantry; before, however, we could get started, the Indians had gained some six miles.

My first impression was that they were the Apaches from the "Gila," and thought that, by going up the river, I could intercept them at the crossing; but the Mexicans all saying that they had gone in the direction of San Diego, I was induced to follow directly in their trail.

Some six or seven miles from the garrison we found the "Boyeada," which the Indians, seeing themselves closely pursued, had left. After spurring the animals, going on fifteen miles further, we were evidently gaining on the Indians. I ascertained that my first impressions were correct, and that the Indians were endeavoring to reach the river. Here I divided my command, and, sending about twenty-five of the men who were best mounted with Lieutenant O'Bannon to follow directly on the trail of the Indians, and cut them off from the mountains, I took a more southerly route to come in between them and the river, and thus drive them upon the level plain of the "Jornada," where I thought we could easily succeed in running them down.

The result, however, was contrary to my expectations, and the Indians proved to be better mounted than we were; for, after riding more than forty miles at our best speed, we were obliged to give up the chase—our horses being completely broken down, and the command so scattered that, at the last, I had but six men left with me. Abandoning the chase, we dismounted and led our horses to the river; and returning—still leading them—we espied two men standing by their horses, half-way up a little rise, some half mile distant, and a herd of cattle grazing near. Supposing them to be Mexicans, we approached to within a few hundred yards, when, to our surprise, they proved to be Indians, who jumped upon their horses and galloped up the hill, beckoning us to follow. We did so as fast as our wearied animals would permit; but, arriving at the top of the rise, we saw in a little thicket of cotton-wood on the other side some thirty or forty warriors, all mounted, and dashing about on their horses, and cursing us in bad Spanish—calling us to come over and fight them. As I did not choose to do this with the few men I had, I dismounted my party and made arrangements to defend myself if attacked; at the same time building a fire, in the hope that the smoke might bring Lieutenant O'Bannon's party to my assistance, when we would be able to give them a fight. Remaining here an hour and a half, recruiting my horses, I then returned to this place, which I reached at 9 o'clock p. m., having ridden 80 miles.

Lieutenant O'Bannon, with his party, following directly in the trail of the Indians, gained upon them rapidly; but, coming to a cañon above the

San Diego, he was obliged to dismount his men to lead their horses down the rocky pass in single file: here the men mounted as they passed through, and continued the chase; four of the first, though, who were best mounted, were close upon the heels of the Indians, and one man, private Quegarden, company "H," 1st dragoons, came up with a party of eight who were thrown out as a rear guard. Wounding one of them with his carbine, three of the others turned upon him and attacked him with their lances; he, however, succeeded in parrying them with his sabre—receiving only a slight scratch in the back; when, perceiving the command closing upon them, two fired on him—one shooting him through the thigh, severely fracturing the bone. I must take this opportunity to urge upon the commanding officer of the department the necessity of arming company "H" with Colt's revolvers. Had this man have had one of these weapons, he would probably have killed several of these Indians. I should have mentioned that, before the Indians turned, the other three dragoons had closed in and exchanged fire, wounding two other Indians.

The whole command had now passed the cañon, and here ensued a most exciting scene. The Indians in full sight, not more than a mile and a half in advance, upon a level plain, and the dragoons in hot pursuit—both parties at the top of their speed; and thus the chase was continued for thirty miles, until the horses were completely broken down. Towards the last, the Indians were to be seen throwing away blankets, provisions, and everything but their arms, rendering themselves as light as possible.

Lieutenant O'Bannon, in returning, fell in with another small party of Indians, mounted on fresh horses and driving more with them. From the fatigued condition of his animals, they easily escaped him.

Three of my best horses were left dead in the road. I can only say, the company, without exception, behaved admirably, and every possible effort was made to overtake the Indians; and it was owing to our having to run our horses over the first and most difficult part of the country that we were unable to come up with them after getting upon the plain.

On my return I was informed that, at about the time we started in pursuit, another party of Indians had come in at the lower side of the town, near the river, and driven off stock from there. This was probably the party I saw after watering. In connexion I would state that, on the 27th ult., a party came in about sundown, and stole two Mexican boys who were working in a field not a mile from the quarters, and drove off some stock. At the same time another party came in, some four miles southwest of us, and drove off twenty-three head of oxen, the property of Mr. Beck.

I cannot close this report without urging upon the commanding officer of the department the necessity of a campaign against these Indians, and that as speedily as possible.

When Indians become so bold that they will come in broad daylight within a mile of a United States garrison, where dragoons are stationed, and drive off stock and murder the defenceless herders, I think it then becomes necessary to chastise them—and this can only be done by a regularly-organized campaign against them.

When these Indians start on a marauding expedition they come mounted on their best horses, (which are equal to any of ours,) and at the same time have relays waiting for them at twenty-five or thirty miles distance. They do their mischief and get off with several miles the start—come up

with their relays, and thus are mounted on fresh animals, and can snap their fingers at us, whose horses are broken down by the long chase. Thus, it is next to impossible for any dragoons to overtake them—and for this I urge the necessity of an expedition against them. I would suggest that a depot be selected at or near the copper mines, and that that point be established as the base of operations.

All of which I most respectfully submit.

E. STEEN,

B't Major 1st Dragoons, Comm'g.

Lieutenant L. McLaws,
A. A. Adj't General, Santa Fe.

HEADQUARTERS NINTH MILITARY DEPARTMENT,
Santa Fe, New Mexico, April 15, 1850.

SIR: I transmit you herewith a report by Sergeant William C. Holbrook, commanding a party of company "I," 1st dragoons, stationed at Rayado—being a detachment from the post of Taos—giving an account of a gallant and successful affair in which that detachment was engaged with a marauding party of Apache Indians, the troops having the valuable experience of Mr. Kit Carson and his two associates in conducting the business;

A letter from Brevet Major Grier, 1st dragoons, commanding at Taos, enclosing the above;

A report by Major Steen, 1st dragoons, commanding at Dona Ana, giving an account of an excursion made by the cavalry of his command to the region of the copper mines.

I am, respectfully, your obedient servant,

JOHN MUNROE,

B't Col. U. S. Army, Comm'g.

Brevet Major Gen. R. Jones,
Adj't General U. S. A.

TAOS, NEW MEXICO, April 12, 1850.

SIR: Herewith I have the honor to forward, for the information of the colonel commanding 9th military department, a report of Sergeant Holbrook, of my company, who has lately had a fight with a party of Apache Indians. I regard the affair as a very handsome one, and very creditable to the sergeant and his men. I am informed by a creditable person from Rayado that two of the Indians were killed with the sabre—the contest having become so close.

The sergeant speaks of having the scalps of the Indians whom they killed. They were taken, I am informed, by two or three Mexican herders who came up after the fight was over.

I rejoined my command at this post (from Santa Fe) at 11 o'clock a. m. yesterday.

Very respectfully, &c.,

WM. N. GRIER,

Capt. and B't Maj., Com'g at Taos, New Mexico.

RAYADO, NEW MEXICO, April 7, 1850.

SIR: It becomes my duty to report the result of a fight between the detachment of company "I" first dragoons, stationed at Rayado, and a party of Apache warriors, which took place yesterday, the 6th instant, on the opposite side of Red river, thirty miles from this place. The circumstances led to it as follows: On the night of the 5th instant, Mr. Maxwell's herders' camp, which is three miles from here, was attacked by Indians, who severely wounded two of his men, and drove off nearly all of the horses and mules belonging to the citizens of this place. On the news of this I started in pursuit, with the assistance of Messrs. Carson, Fesher, and Newell; and as soon as daylight appeared, to enable us to discover the trail, we galloped until we overtook the enemy. A charge was immediately made, which resulted in the loss on our side of one horse, (that of private Richart's, shot from under him.) We killed five Indians, (the scalps of which we have for a voucher,) and wounded one or two others, and recovered all the animals but four, which four Indians made their escape on. Allow me to say that every man was eager in the pursuit, and fought with that gallantry characteristic of the American soldier.

Very respectfully, your obedient servant,

WM. C. HOLBROOK,

Sergeant, Commanding Detachment.

Major WM. N. GRIER,

Commanding officer at Taos, New Mexico.

HEADQUARTERS, DONA ANA, NEW MEXICO,
March 24, 1850.

SIR: I have the honor to report to you that yesterday I returned to this post, after being absent some thirteen days examining the country about the copper mines.

We were prevented from visiting the Rio Gila and Preator on account of not finding sufficient grass for our animals on the route.

For four days I examined the country about the mines in every direction, and, in my opinion, it is decidedly the best location that I have seen anywhere in the country for a post, for several reasons. It is about the centre of the Indian nation. There are quarters sufficient for at least three companies that can be put in complete repair in less than a month, and at a very small cost. Timber for building and other purposes is abundant and easily to be procured. Water and grazing as good if not better than can be found in any portion of New Mexico that I have seen.

There are bottom lands sufficient to produce more corn than could be possibly used by the post, that would soon be put under cultivation if troops were stationed there.

It would, if the troops at this post were removed there, be a saving to the government of at least fifteen thousand dollars per annum, which amount we are forced to expend here for rents, fuel, and grass, all of which are abundant and immediately on hand at the point referred to above.

In a communication from headquarters of this department, dated 13th March, 1850, I am informed that at present it is impracticable to organize, either at this post or Socoro, a command to operate against the Apache In-

dians; to which allow me to reply, that it is my firm belief that if the troops at this post were sent to the mines immediately, the necessity of a combined expedition would be obviated entirely, and that in less than two months we could have peace with those Indians without resorting to that last of extremes, the shedding of blood. The troops here could beyond a doubt do better service to the country out there, to say nothing of the improvement of the morals of the soldier, which are not of the best, especially where he mingles with a population such as we have at this place; and the avoiding of constant difficulty that occurs almost daily between the soldier and the citizen, which it is next to impossible to prevent. During my stay at the mines, hunting parties from my command came in contact with the Indians once or twice without being molested by them: on learning this, I immediately hoisted a white flag and raised smoke at several points, hoping to induce them to come in; but in this, however, we were disappointed. Notwithstanding, I still hope to succeed in getting them to come in before very long.

From this point to the mines there is a fine wagon road.

I send you a few samples of copper. You will confer a favor on me by having them examined by some chemist. I have been told that the copper of these mines contains a large portion of gold. Please inform me of the result, if you have the samples tested.

Very respectfully, your obedient servant,

E. STEEN,

Brevet Major 1st Dragoons, Commanding.

Capt. [1st Lieut.] L. McLAWS,
A. A. A. General, Santa Fe.

True copy:

L. McLAWS,
1st Lieut. 7th Infantry, A. A. A. General.

HEADQUARTERS ARMY,
New York, June 8, 1850.

True copy:

W. G. FREEMAN,
Assistant Adjutant General.

HEADQUARTERS NINTH MILITARY DEPARTMENT,
Santa Fe, New Mexico, August 22, 1850.

SIR: I enclose, herewith, returns for the ninth military department and post of Santa Fé for the month of July;

Copies of department, general, and special orders to date, (orders 28 and 32 enclosed,) with proceedings of courts-martial;

A report of Major Grier, 1st dragoons, of an expedition under his command against Apache Indians, and one of Major Steen of his exploration of the country east of Doña Ana;

Also applications for leave of absence, for the benefit of their health, of Brevet Colonel C. A. May, 2d dragoons, and First Lieutenant J. H. Simpson, topographical engineers, with the surgeon's certificates in each case, and the special orders granting them permission to leave this department.

Respectfully, your obedient servant,

JOHN MUNROE,

Brevet Col: U. S. A., Commanding Department.

Captain IRVIN McDOWELL,

Assistant Adjutant General,

Army Headquarters, New York.

DONA ANA, TEXAS, July 1, 1850.

SIR: I have the honor to report, for the information of the colonel commanding, that on the morning of the 10th June I left this place, and travelled east twenty-five miles to the road leading from El Paso to the Salt lake: this lake is about 120 miles north of El Paso; the road is fine, but the same difficulty exists on that as on the present road—that is, the scarcity of water; there is none, except in the rainy season, for 120 miles; though I think that would be at least 80 miles nearer than the present road. I proceeded to the White mountains with the wagons, a distance of about 130 miles; at this place I left the wagons with twenty-five men, and proceeded with the remainder of the command of thirty-two men, with four pack-mules, a distance of about sixty miles north; and finding no water, I was compelled to return to the White mountains, where I had left the wagons. During this time I saw a number of Indians—Hickories, Apaches, Eutaws, Comanches, &c., all of whom were hostile; they would hold no communication with me, and, seemingly, prepared to fight; and from some of the Apaches, old Santer's band, I was informed that there were about two thousand warriors in waiting for me; and my command not being sufficient to engage so large a number of Indians, I thought it more prudent to return to this place, where I arrived on the morning of the 23d June. The men and horses suffered greatly for the want of water, being two days and one night without any. It is impossible to pass through this country with wagons, except in the rainy season, which is August and September. I was within thirty miles of the "Grand Quivera," but did not go there in consequence of there being no water—and we had already travelled about sixty miles without any; and being convinced that the men and animals would suffer too much, I gave up the idea of visiting that place.

I regret that I am unable to give you a more full and satisfactory report of this section of the country.

Had I gone about forty miles east of the route I took, I should have had an abundance of excellent water; but the country is very mountainous, and can only be travelled by packs; it being impracticable to pass wagons.

over the mountains; there is also an abundance of fine timber in this country for all farming purposes.

I have the honor to be, sir, very respectfully, your obedient servant,

E. STEEN,

Brevet Major United States Army.

Lieutenant L. McLAWS,

Acting Assistant Adjutant General, Santa Fe.

Official copy:

L. McLAWS,

7th Infantry, Acting Assistant Adjutant General.

RAYADO, NEW MEXICO, July 31, 1850.

SIR: For the information of the colonel commanding department, I have the honor to make the following report of an expedition lately made by troops under my command against the Apache Indians.

The force placed under my command consisted of G and I companies 1st dragoons, and K company 2d dragoons—total strength 78 (seventy-eight;) Lieutenant Adams, 1st dragoons, commanding K company 2d dragoons, and Lieutenant Taylor, 1st dragoons, in command of G company 1st dragoons.

With the permission of the colonel commanding, about ninety Mexicans from "Loda Mora," with officers chosen by themselves, joined me at this place on the 22d inst.

On the morning of the 23d inst. I marched from this place, moving northerly along the base of the mountains until I reached the Verniego—up that river nearly to its source, thence across the headwaters of the Canadian or Red river. Having travelled two days and nights, we struck the Indian trail, leading over mountains and difficult cañons—followed it, and about 12 m. on the 23d our spies reported a small party of the enemy in sight. I despatched Lieutenant Adams with the advance guard to the attack, and by a rapid and well executed movement he killed or wounded the whole party, and captured the animals which they were driving. On the same day, late in the evening, a party of the Mexicans who went in advance as spies surprised another small party of Indians, killed one or two of them, and brought into camp seven animals.

We marched again at night, and the next day (July 26) until 1 p. m., when we came upon the main village, situated on the edge of a mountain, in a thick and almost impenetrable growth of aspens; the ground for some distance being full of springs and very marshy.

When we discovered them the Indians had removed their families, having probably heard of our approach from some of the parties previously attacked, and at the sight of my command abandoned their camp and fled.

I pursued them immediately, encountering great difficulties from the nature of the ground, until they finally disappeared; and the peculiar nature of the country rendered further pursuit useless: they were then descending the mountains in the direction of "Guajatoyas" or "Spanish peaks."

In this chase the Indians lost five or six, killed and wounded. I lost one non-commissioned officer, (Sergeant Lewis V. Guthrie) who was mor-

mate of my report of last fall. Population is flowing in from all quarters, and the country steadily and rapidly advancing in prosperity; but courts of the United States for the trial of offences against their laws and — causes, and for the protection of strangers from extortions and — under — of the State laws, are needed beyond all expression.

With the highest respect, your obedient servant,

PERSIFOR F. SMITH,

Brevet Major General, commanding Division.

Hon. GEO. W. CRAWFORD,

Secretary of War.

HEADQUARTERS NINTH MILITARY DEPARTMENT,

Santa Fe, New Mexico, October 1, 1850.

SIR: Enclosed I transmit you the copy of a letter, dated the 19th ultimo, which I have received from Brevet Major Van Horne, commanding at El Paso, as there are portions of it which contain information in relation to supplies, &c., proper to be known at headquarters.

I am, respectfully, your very obedient servant,

JOHN MUNROE,

Major Second Artillery, Brevet Colonel, commanding.

Brevet Lieut. Col. FREEMAN,

Assistant Adjutant General, army headquarters.

HEADQUARTERS BATTALION THIRD INFANTRY,

Paso del Norte, New Mexico, September 19, 1850.

SIR: Simon Manuel, Simon Porode, another chief, and eight other Apache Indians of the Muscalaros band, living between the Sacramento mountains and Presidio del Norte, came into this post and San Elizario a few days since, instructed, they say, by their people, to ascertain whether they would be kindly received; and that, if they were assured that their people would be received in a kind and friendly manner, they would return to their tribe and bring them in about ten days or more from this time. They were received with kindness, and some presents made them, both at this post and at San Elizario; and appeared to go away well satisfied, saying they expected their people would be in, in considerable numbers, about the time specified, to make a treaty. They also visited the town of El Paso, over the river, and were very kindly received there. I presume it is the wish of the government to cultivate friendly relations with them; and, to do this effectually, I should be authorized to issue provisions in limited quantities, and to make small presents to the influential men among them.

A part of the train of supplies have arrived; the remainder will all be here within a week, probably. The teamsters, &c., in Coon's part of the train, (about 120 in number, and well armed,) are represented to me by Mr. Coon and his agent, Smith, as a lawless and desperate set of men, over whom they could exercise no control; and that they have lost 250 of Coon's oxen, and wasted and lost much of his property. He has declared he will not pay more than a third of them. They drove off Smith, and tried to shoot the issuing agent. There are some apprehensions that they may seize upon the train and supplies. This I think not

HEADQUARTERS THIRD DIVISION,
Sonoma, May 25, 1850.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th of April, in reply to my letters of the 12th and 28th of January last, referred by the commanding general of the army to your department.

I am sorry to learn that steam vessels cannot be furnished to the quartermaster's department here, for it is chiefly on the score of economy that I think them desirable. The delays incident to sailing vessels multiply more than *thirty-fold* their expenses, besides rendering all operations uncertain. I shall, however, take pleasure in carrying out your directions in relation to the prudent expenditure of money. At the same time, permit me to impress on all the authorities at Washington a *fact* hard indeed to realize, that everything, from the price of a broom to the building of a ship, costs at least *ten* times what it does in the Atlantic States. This is a moderate computation—not a careless or extravagant assertion; and nothing can be done here at a less ratio. The difference of the common laborer's wages and the pay of a soldier renders it impossible to employ the latter as a laborer; he infallibly deserts: and, indeed, the actual strength of the command here is already so much reduced by desertion that there does not remain at any post (a large detachment being in the field) enough for the ordinary garrison duty.

I may take the liberty of mentioning that, in a communication to the headquarters of the army, I have recommended that, instead of sending recruits here, soldiers having but two years to serve, and selected for good conduct, should be sent. Enough, no doubt, would annually volunteer; and, having but a short time to serve, and confirmed habits of discipline, some hope may be entertained of keeping them.

The state of things here, so embarrassing, is not temporary; it is firmly establishing itself as permanent, and must be met sooner or later. If measures for that purpose are postponed too long, under the notion that it will pass away, things will be beyond remedy. In saying that the ratio of expense here is ten times what it is in the eastern section, I do not confine the assertion to military affairs: land surveys, Indian affairs, light-houses, and everything else, are included; and this must be considered in all appropriations that are asked, or they will be insufficient. I have desired General Riley to communicate, for the information of the department, the course pursued in relation to the New York volunteers and government reserves. It may be remembered that I remonstrated against the independent communication existing for a long time between the commander of the department and the adjutant general of the army. This has been corrected, by your directions; but, while it existed, its effect was to take the direction of many affairs out of my hands, and leave me in ignorance of them until long after action on them, when I received my information only by copies of communications made direct to headquarters, and which reached me in many instances some months after their date. In relation to all matters that came under my control, full reports have been punctually made, explaining the reasons and principles of action.

As the mails arrive at the end of the month, and depart the first of the succeeding one, some time must elapse before the information can be transmitted.

The production of gold is steadily increasing, and will exceed the esti-

very likely. Coons has promised to have them disarmed before they reach here. I have no doubt these men will occasion much disorder and annoyance here. Major Sprague informs me that the immense horde of teamsters, &c., (about 320,) attached to this train, are, by the contract, subsisted from the government stores which they brought up, and until their return to San Antonio; and that, together with the supplies destroyed, lost, and unfit for issue, only about one-half the subsistence will remain for the troops here. The clothing and other property is also damaged, the tierces, &c., being broken open. Major Sprague calculates that by this mode of transportation, the ration will cost the United States here at least \$1 50. The provisions are badly and inconveniently put up, and many of the packages broken.

A Mr. French is also arrived here, with a letter from V. E. Howard, M. C., to me, with a train of carriages and some 300 passengers for California and employers. An express is just in from Washington city. The house of Howland & Aspinwall, upon whose authority he has been lavishing immense sums to carry 120 emigrants from New York to California, and subsist them on the way, for \$250 each! have dishonored his drafts, and a sheriff is now here to seize him, and all his property, carriages, &c. They say the letter of credit which French exhibits, purporting to be from them, is a forgery. Lockwood, Divine, and others at San Antonio, furnished his outfit chiefly, and it is believed the government officers at San Antonio and elsewhere may suffer losses. Most of these 300 men are also wholly destitute; and with the others, there is likely to be some 500 men wholly destitute of means, and those first mentioned, of the most lawless character, thrown out of employment at this place, where there is at all times a horde of loafers and desperadoes.

Very respectfully, your obedient servant,

J. VAN HORNE,

Brevet Major Third Infantry, Commanding.

Lieutenant L. McLAWS,

A. A. A. Gen. Ninth Military Dep't, Santa Fe, N. M.

A true copy:

L. McLAWS,

First Infantry, A. A. A. General.

Part ii—8

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No. 2.

REPORT OF THE GENERAL-IN-CHIEF.

HEADQUARTERS OF THE ARMY,
Washington, November 30, 1850.

SIR: The organization, actual numbers on the roll, and distribution of the army, will be shown by the returns from the Adjutant General's office, appended to this report, viz:

1. Organization of the army of the United States, as established by law, marked A.
2. General returns of the army—B.
3. Position and distribution of the troops in the eastern division—C.
4. Position and distribution of the troops in the western division—D.
5. Position and distribution of the troops in the third or Pacific division—E; and

6. Exhibit of the number of recruits enlisted from October 1, 1849, to September 30, 1850, (F,) with the Adjutant General's report thereon.

In my last annual report to the War Department, dated November 3, 1849, I represented the urgent necessity of an increase of the military establishment, created mainly by the large accession of territory acquired by the late treaty of peace with Mexico, and the express stipulation, on our part, to protect that republic from the Indian tribes within our limits. Congress, by the act of June 17, 1850, recognised this necessity; but the additional force authorized was inadequate both in numbers and description. The act empowered the President, whenever in his opinion any exigency required it, to increase to seventy-four the number of privates in companies serving on the western frontier and at remote stations, and to mount such portions of the foot companies, so employed, as he might deem necessary.

The great extent of our frontiers, and the peculiar character of the service devolving on the troops, render it indispensable that the *cavalry* element should enter largely into the composition of the army. Two additional regiments of horse (dragoons or mounted riflemen) are deemed absolutely necessary. The service is suffering greatly in Texas, New Mexico, and on the Pacific, owing to the insufficiency of the force now authorized by law. For the want of regular cavalry, the commanding general in Texas has been compelled to call out, at great expense, a considerable body of volunteer horse. The commander in New Mexico has also made repeated and pressing applications for cavalry, but not a company could be spared from other quarters to reinforce him. No other description of troops will answer for the protection of our immense lines of emigration and frontier settlements through and bordering on Indian tribes. *Mounted infantry*, as a substitute, is wholly inadequate; and the experiment of employing foot regiments in this way can only result in disorganizing them as infantry, and converting them into extremely inefficient horsemen. Besides, from their inexperience and the temporary character of their new duties, the wear and tear of horses and equipments in the hands of infantry would be enormous—probably three-fold greater than with regular cavalry (dragoons or mounted riflemen)—thus making this non-descript force the most expensive and the least efficient ever known to our service.

D.

Report of Captain S. G. French, United States army, descriptive of the route from San Antonio to El Paso.

ASSISTANT QUARTERMASTER'S OFFICE,
San Antonio, Texas, December 26, 1849.

GENERAL: The accompanying is a copy of a report in relation to the road opened between this place and El Paso del Norte, made in accordance with instructions received from the office of the chief assistant quartermaster of the 8th military department, dated May 30, 1849. Those instructions required me "to make a sketch of the route over which my trains passed," and a "copy of such sketch and report for the office of the Quartermaster General."

On leaving San Antonio, I could not procure the necessary instruments to make observations for a topographical sketch with any degree of exactness. This, and a knowledge of the fact that the engineers were engaged in making surveys of the country and a map of the route determined with great accuracy, will, I hope, be found a sufficient excuse for my not presenting you with one that could not be otherwise than imperfect and inaccurate.

Respectfully, your obedient servant,

S. G. FRENCH,

Captain and Assistant Quartermaster.

Major General T. S. JESUP,
Quartermaster General U. S. A., Washington.

REPORT.

In February last, Lieutenant Whiting, of the Engineers, and Lieutenant W. F. Smith, Topographical Engineers, left San Antonio for Paso del Norte, to explore the country, and ascertain if it were possible to open a road for military and commercial purposes between the two places. During their absence, the trains to transport the government stores and the property of a battalion of the 3d infantry to El Paso were got in readiness, and ordered to proceed by the way of Fredericksburg; but, when on the eve of starting, the return of the engineers, and their favorable report, induced the general commanding to change the route; and directions were given for the expedition to proceed by way of the military stations on the Leona. Late in May, the trains were started, and ordered to encamp on the Leona, and there to await the arrival of the troops, under orders to move on the 1st of June. The day fixed for their departure proved exceedingly unfavorable; the rain fell in torrents, which, added to those that had fallen a few days previous, rendered the roads extremely bad. The command, however, moved on, and encamped for the night on the Leon creek.

The following day, a violent thunder-storm arose early in the morning, and the command remained in camp. On the morning of the 3d, they moved to the San Lucas springs; and, before the tents were pitched, again the rains began to fall. The prairies were now inundated—the roads so

The probable amount of corn that can be bought this year, and the distance of each place from Santa Fe.

[E. is east bank of the river, W. west.]

Names of towns.	Bank.	Miles from Santa Fe.	Number of bushels.	Remarks.
Don Ana.....	E.	300	7,500	Garrison below Jornada del Muerto.
San Pedro.....	E.	165	750	
Luis Lopez.....	W.	160	800	
Bosquecito.....	E.	160	500	
Socorro.....	W.	150	800	First military post north of Jornada.
Parida.....	E.	140	500	
Lienitar.....	W.	140	1,250	
Sabino.....	E.	140	1,000	
Polvidera.....	W.	135	1,175	
La Joyita.....	E.	130	375	
La Joya.....	E.	118	500	
Sabinal.....	W.	105	1,250	
Belen.....	W.	100	2,000	
Tomé.....	E.	100	1,250	
Las Lunas.....	W.	90	1,000	
Peraltas.....	E.	90	875	
Ysleta.....	W.	85	500	
Padilla.....	E.	85	250	
Pajarito.....	W.	80	250	
Albuquerque.....	E.	75	5,000	Garrisoned post.
Sandilla.....	E.	60	750	
Bernalilla.....	E.	55	775	
Algodones.....	E.	40	1,250	
San Felipe.....	W.	35	375	
Santa Domingo.....	E.	29	750	
Peña Blanca.....	E.	25	1,250	
Chile.....	W.	25	250	
Cubera.....	W.	30	500	
Cañada.....	E.	15	750	North of Santa, on Taos road.
San Juan.....	E.	25	500do.....do.
Plaza de S. Antonio.....	W.	25	750	
Albiqui and vicinity.....	W.	60	1,500	Military post, north west from Santa Fe.
Ojo Caliente.....		60	1,000	
Santa Fe, Tezuque Lopez Rancho.....			2,000	Military post, headquarters ninth military department.
Galisteo.....		25	375	Southeast from Santa Fe.
Mansana.....		45	375do.....do.
San Antonito.....		40	250do.....do.
San Miguel.....		40	1,250	
Puertacitos.....		60	750	
La Cuesta.....		65	750	
Tecalote.....		65	5,000	
Las Vegas.....		75	3,750	Military post, on road to Ft. Leavenworth.
Tecalote Arriba.....		65	750	
Anton Chico.....		70	750	
La Valles de Gallinas.....		75	500	
Rio Arriba.....		35	1,750	
Taos and vicinity.....		75	15,000	Military post, north from Santa Fe.
Savoyeka and vicinity.....		120	1,250	Military post southwest from Santa Fe, on west side of Rio Grande.
Rayada.....		125	1,000	On the Bent's Fort road to Leavenworth.
El Paso and vicinity.....		350	5,000	A large portion of this corn will be brought from Chihuahua.
Total.....			78,425	

WASHINGTON CITY, October 16, 1850.

THOS L. BRENT,
Captain and A. Q. M. U. S. A.

bad that it was with difficulty the company teams, overloaded as they were, could move.

On the morning of the 4th, I left the troops encamped for the day, and moved on to Castroville, 2,542 miles from San Antonio. The road from San Antonio to Castroville runs through a generally level prairie, covered with a luxuriant growth of grass. The soil is good, and the country well adapted to cultivation and grazing. The town is situated on the west bank of the Medina river, and contains about 500 inhabitants, mostly German emigrants.

The place presents but few signs of improvement, and idleness and poverty are more visible than industry and wealth; houses are falling to decay, and the rich lands lie uncultivated.

The Medina is here a clear, bold, rapid stream, about 30 yards wide, flowing between banks that rise near fifty feet in height on either side. It empties into the San Antonio river about 12 miles below the town of San Antonio. From Castroville the road leads over some gentle hills, and thence through a tract of land pretty well timbered, until it opens out into what is here known as a "hog-wallow" prairie. We found the road, owing to the rains, as bad as can well be imagined.

Beyond this prairie is a slightly elevated ridge, from the top of which, spread out before him, the traveller sees the beautiful valleys of the Quihi and the Hondo, pent in by the blue hills in the distance. The valley of the Quihi is sparsely covered with timber, principally mezquite and oak.

The land is exceedingly rich, and affords at all seasons excellent grazing. In midsummer the stream ceases to flow, but the water at intervals collects in never-failing pools. The village of Quihi is a German settlement, being a branch of the main one at Castroville, and consists of only a few miserably rude huts; distance from Castroville, 10 miles. Six miles further on the road is the town of Vandenburg, a third settlement made by the same colony; it consists of some 21 log huts. The country around is beautiful and productive, and nothing but industry is required to make it teem with all the productions of agriculture.

The nearest water is the Hondo, four miles distant. On reaching it, however, we found it but the dry bed of a river, with occasional ponds of water. Rising from the Hondo, the road stretches over a prairie country to the Seco, crossing a "hog-wallow" that we found nearly impassable.

The Seco, at this season, like the two previous streams, afforded no running water, notwithstanding the late rains. Two miles below the crossing, on the left bank, there is a settlement of Germans at Dennis. Here, as at Vandenburg, great inconvenience arises from the want of water; and, while we were encamped on the banks, the people had to drive all their cattle two miles to a pond found in the bed of the stream. This has been selected as a site for a military post; and on our return we found stationed here two companies—one of dragoons, and one of infantry. The distance from Vandenburg, 12.78 miles; distance from San Antonio, 35.37 miles.

From the Seco the country is undulating in appearance for several miles, and then opens out into a level prairie, which continues to Ranchero creek; distance from the Seco, 8.38 miles. Four miles further is the Sabinal, a clear, cool, delightful running stream, with banks bordered with large trees suitable for building purposes.

Leaving the Sabinal, the country is more rolling and diversified; the growth of small mezquite bushes begin to take the place of the open prairies. With but little change, the road continues its westerly course across the Comanche creek, and thence to the Rio Frio, 13.87 miles. We found in the Rio Frio no running water; its banks are high, presenting in places a wall of limestone of considerable height; and evidences of its being at times swollen to a stream of large size were visible. Its bed is covered with well-attributed limestone, and its edges are bordered in many places with oaks of large growth. Thus far the road over which we had travelled is known as Wool's, or the Presidio road, and extends to the Rio Grande.

But at the crossing of the Rio Frio the road to El Paso leaves it, and commences its course over the hitherto untrodden prairie. Bearing a more northerly course, it strikes the head-waters of the Leona above the site of the military post.

The Leona, a clear, cool, and beautiful stream, has its source in this neighborhood, and forms in the course of a few miles a creek some fifty feet wide, flowing through a dense forest on either side a quarter of a mile in width. The lands on this stream will vie in fertility with any portion of Texas; and the abundance of timber scattered over the whole extent to the Nueces adds much to its value.

No part of the State offers greater inducements to the agriculturist; and, as a pastoral or grazing country, it is unrivalled. Indeed, the same may be said of the whole extent of country from San Antonio to the Nueces.

The post is located on the left bank, above the Presidio crossing, near a rocky conical hill or mound. It is a beautiful site for a military station, shaded as it is from the scorching rays of the summer sun by a dense foliage, and the forest that renders it cool in summer shielding it from "northers" in winter.

From here Lieutenant Colonel J. E. Johnston and Lieutenant W. F. Smith, Topographical Engineers, and party, with a small train of wagons, proceeded in advance, to commence their explorations of the country and the opening of a road.

The recruits having joined the battalion, the whole expedition moved to the Nueces on the 19th. At the point where the road strikes the river it flows through a sandy bottom land, near a half mile in width, covered with large trees. We found the Nueces at that season a clear stream, running over a bed of white stones and pebbles, and affording a volume of water forty feet in width and about one and a half in depth, though it shows signs of having been at times a large river, forcing in its course far above its present bed large quantities of rocks, rounded by the action of the current.

The grazing on the left bank is good; distance from the Leona, nine miles. Below the crossing a short distance, bituminous coal is said to be found in great abundance. Passing the Nueces, the general feature of the country begins to change, and it becomes slightly hilly; at irregular intervals, the hills rise on the left to considerable elevation. The rich, loamy soil is found only in the valleys; limestone rocks make their appearance on the surface, and the hills are stony and barren. This continues about ten miles to Turkey creek. The valley at the head of this stream is of large extent and fertile, and covered with a large growth of

mezquite trees: the banks of the creek are bordered with post and live oak. The grazing is fine and abundant.

At this place, owing to the heavy rains, the command was stopped nine days. The road heads the main spring from which the creek rises; though on our return, water flowed from a small lake a little higher up. After leaving the valley of Turkey creek, the country becomes more rolling and the trees more scarce, giving it the features of a more open country. A march of about thirteen miles brought us to the bed of a creek, with rain-water collected in large ponds. Three miles further on, the road crosses Elm creek. Below the crossing, which in summer is dry, the water runs from a spring, and forms a small creek that flows over a rocky bottom. It doubtlessly derives its name from the trees that border its shore, though post oak and hackberry are the principal ones that grow near its source.

The next stream of note is the Los Moros, which takes its rise below the road. Its waters gushing out from the springs, form at once a large creek: trees line its banks as far as the eye can reach. To the north rises a conical hill that may be seen many miles distant, and is known as "Los Moros" mound.

Formerly this stream was much resorted to by the Indians, and large, well-beaten trails are now seen following down its course. From the Los Moros to the Piedra Pinta, a distance of over seven miles, the country continues of the same general appearance. This stream is about ten feet wide, near three deep, and runs over a bed of limestone. The crossing is bad, the banks being very boggy.

Leaving the Piedras Pintas, the country is open, with only here and there a few mezquite trees. The approach to the Rio Grande is marked by the appearance of distant mountains on the left, now distinctly visible from the rising ground.

The next water is the Zoquete, a small stream that flows through a bed of rushes. The surrounding country is an open prairie; the soil good and covered with fine grass. At the point where the road crosses this creek it branches, one branch bearing the name of Maverick's creek. The crossing is not good, the soil being miry.

About three miles in advance the road crosses Arroyo Pedro, a creek of clear water coursing along the wide, stony bed of a stream which during the rainy season is swollen to the dimensions of a river. The crossing is good. Large oaks are found in groves on its shores.

Beyond this Arroyo the soil becomes stony and barren, and covered with cactus and dwarf chaparral, as far as the San Felipe. The road crosses this stream a little way below its headwaters.

To the north of the road, and half a mile distant, there is a beautiful spring of water, fifty feet in diameter at the surface, the sides of which incline towards a centre like an inverted cone, and then sinking in a cylindrical form to the depth of twenty-eight feet, through a soil of hard clay, afford a passage for the water to rise.

The water comes to the surface with slight ebullition, and flows off in a volume that would fill a cylinder two feet in diameter. This spring is the source of the San Felipe: as it flows on, the volume of its waters is increased by other large springs on either side, until it becomes a creek, where it empties into the Rio Grande, eight miles below the crossing, some thirty feet wide and several feet deep. Near its junction with the

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Rio Grande its banks are shaded with large groves of pecan, maple, elm, and mulberry trees. This is the last of these small, clear streams, flowing through fertile valleys, with banks admitting easy access to their waters. At this place Major Van Horne with the command started in advance on the 8th of July, leaving the supply trains an escort. We moved on the 22d, and thus continued the march to El Paso.

Eleven miles distant is the San Pedro river, beyond which and close by, on the north, is the great table formation. These features of the country may tend ere long to point out the San Felipe as a site for a frontier post.

The banks of the Rio Grande below the mouth of the creek for many miles are nearly or quite inaccessible.

From the San Felipe to the San Pedro the country becomes more elevated, inclining to a high plain, far below which, in a deep, rugged cañon, the waters of the latter find an outlet into the Rio Grande. The descent to the river is made through crooked ravines that required much labor to make them passable. Viewed from this point the San Pedro is a stream about sixty yards wide, running over a level bed of solid limestone rock. This is perhaps the only point at which it is possible to gain the opposite bank for several miles either up or down the river.

When returning we found that during our absence the autumnal rains had caused a great freshet, and the usually shallow waters had risen nearly twenty feet.

From the table-land above, on either side, the country presents a dreary aspect, and no traces of the river can be seen in the depth below. About two miles beyond, water is found in a ravine, and near by is the only encamping ground in the vicinity. From some Indian paintings on the rocks it has been called the "Painted Caves." From here the road continues up the ravine to the open country, and the first water we found beyond was at some springs sunk in the open plain at and near Pallos Blancos. In July but a scanty supply of water was found here for so many animals, but on our return in November we found it a running stream. The grazing is good, but no wood whatever can be procured close by. From Pallos Blancos the road gradually ascends for a short distance, and then runs apparently parallel to the river, with a succession of hills on the left.

About eight miles further on, the road passes through a gorge of the mountains, and then stretches out over some high table-land for several miles, until it commences winding around the base of the irregular mountains, now rising and then descending as it approaches the river again. For five or six miles it is very rocky and rough, and during the whole distance the country is a constant succession of hills on hills, destitute of grass and wood, and giving support only to the saw-leaf Palmetto.

It is a miserably rough, broken and barren region, avoided alike by every living thing. By winding around the base of the mountains, a descent is made to the river.

The San Pedro, from its source to this point, flows down a valley formed by mountains on either side, and which are not unlike, in appearance, those on the banks of the Hudson.

The valley varies from a quarter to one and a half mile in width, up which the road runs, crossing and re-crossing the stream many times,

and often following up its bed over a continuous mass of rounded and attritioned rock, varying from an inch to two feet in diameter.

In many places the road over which we had passed, we found on our return, had been at least twenty feet under water. All the way up the valley, at intervals, the road is very rough, particularly at some of the crossings.

The grazing is poor until you reach the head of the valley, where it is excellent, the gentle slopes of the mountain-sides being covered with gramma grass. It is a place resorted to by the Indians, and numerous lodges are found by the water's edge.

At the point where the road leaves this stream the valley is divided; following the most westerly one, a distance of nine miles brings us to the table-lands that extend between the waters of the San Pedro and Pecos rivers.

It is of limestone formation, with horizontal strata, and the general appearance is that of one vast, level and unbroken plain. But such is not the case; valleys extend out from the streams: from these others branch off from the right and left, ramifying the country in every direction, and near the Pecos these valleys head in innumerable chasms and cañons, traversing the plain in every course, with rocky sides so high and steep as to form impassable barriers. In many places, and particularly about Howard's springs, the valleys, with all these ramifications, seem to have quietly sunk down from the general level, the same strata of stone marking a precise level on the different hill-sides for miles. But these apparent hills are but the natural slopes of earth from the valleys to the generally level lands above.

The nearest water after leaving the San Pedro is found at Howard's springs, forty-one and a quarter miles distant. The road is good, and the grass in the valleys very fine, consisting of gramma and fine mezquite. The springs, from the large basin they form, afford a small stream of running water in summer, which, after flowing a short distance, sinks into the ground. Wood in sufficient quantities for fuel is found near the springs. It is a place much resorted to by the Indians.

From these springs to Live Oak creek, the next reliable water, is a journey of thirty-two miles; though perhaps, after rains, water may be found in pools in the rocky bottoms of ravines near the road. When approaching the Pecos, the road leads down a steep hill into a valley, along which it continues several miles to the valley of Live Oak creek. After crossing this stream the route is down its right bank to the valley of the Pecos, and thence up it to the crossing or ferry.

For the distance of near forty miles the route lies up the east side or bank of the river. A few miles below the ferry the valley of the Pecos disappears, and the mountains on either side approach each other very closely. Proceeding up they gradually widen out, forming a level valley from one to three miles in width, and a little above where the road leaves the valley they stretch to the left over the plain in a broken irregular line.

The Pecos is a remarkable stream—narrow and deep, extremely crooked in its course, and rapid in its current. Its waters are turbid and bitter, and carry, in both mechanical mixture and chemical solution, more impurities than, perhaps, any other river in the south. Its banks are steep, and in a course of two hundred and forty miles there are but few places where an animal can approach them in safety for water. Not a tree or a

bush marks its course, and one may stand on its banks and not know that the stream is near. The only inhabitants of its waters are catfish; and the antelope and wolf alone visit its dreary, silent, and desolate shores; it is avoided even by the Indians.

The grass on the lower part of the stream is good, but further up the salt marshes begin, and it becomes coarse. The average width of the river is about sixty feet, and its depth eight feet. A few miles above where the road leaves the river there is an Indian ford. Near thirty miles still further up is the "Horsehead" crossing, on the Fredericksburg route. Below this is the ford where the great Comanche war trails pass from the north down to the great bend of the Rio Grande, and thence into Mexico. Below this is Connelly's crossing. The road up the Pecos is good. The greatest difficulty is in watering the animals, rendering it a choice whether to do it by means of buckets, or by cutting away the banks, if the water be high, and letting it into the salt lakes near the shore.

Leaving the Pecos the road turns directly to the west up a wide valley or plain, with hills in broken ridges on both sides. As the distance increases the soil becomes more and more sterile, without grass, and yielding support to nothing but dwarf bushes, "Spanish bayonets," stunted cactus and artemisia. Continuing over a gently swelling hill another valley is entered, following which about six miles water is found in ponds, some of them quite deep, surrounded by a tall growth of rushes and cane. The water rises from a rocky bottom, and as it imperceptibly glides away, gives life and freshness to the coarse grass and cane. This water is distant from the Pecos about eighteen miles, and has been called Escondido creek. The grazing is not good, and wood for fuel is scarce.

Eight miles further on are the Escondido springs. The water gushes out from beneath a shelf of rocks, and flows some distance down the creek. The country around is rocky and barren, covered with chaparral and prickly-pear. The grazing is limited, and wood by no means plenty.

From Escondido to the Comanche springs the road is good; the hills now gradually disappear, and the country becomes open. The soil is light, and on being trodden up by our animals, was wafted by the strong wind over the prairie, covering the bushes and grass for miles. By the volumes of dust that arose, the trains could be descried at a great distance; and thus viewed, the clouds of dust that filled the air appeared like smoke from the prairies on fire. Fortunately, the wind blew directly across the road, otherwise the animals would have suffered very much.

The Comanche springs, situated as they are in the open plain, have long been a celebrated encamping place for the Indians. Here four roads may be said to cross at the same point: First, the "great" Comanche war paths leading into Mexico, marked by the bones of animals; second, Connelly's trail to Presidio del Norte; the route of emigrants from Fredericksburg to the Presidio, and the road from San Antonio to El Paso. The water rises from a number of springs and forms a stream of excellent water, perhaps twenty feet wide and two feet deep, which, after flowing some ten miles, disappears in a salt plain. The grazing is pretty good. The only wood for culinary purposes consists of dead chaparral and small mezquite bushes in the vicinity. The place is noted for the number of bones of horses and mules scattered around its waters.

From these springs to Presidio del Norte, the distance is estimated at

160 miles; thence to Chihuahua 150 miles. From here to El Paso del Norte it measures 279 miles. From El Paso to Chihuahua, the distance is estimated to be between 240 miles and 280 miles. These distances show the advantage of the road from here to Chihuahua, and large trains with emigrants have already passed over it: and as commerce is usually forced by enterprise and competition into the nearest and cheapest channels of communication, this may, in time, divert it from those over which it is now carried.

The next watering place on the route is the "Ojo de Leon." The water rises from out some springs thirty or forty feet in diameter, that sink to a great depth like large wells. The water rising to the surface flows from one spring to another, and finally, in the course of half a mile, sinks into the earth. Near the springs the ground is bare and covered with a finely crystallized salt, which, seen at a distance, appears like snow. The odor of sulphur is perceptible about the springs. The grass is coarse; and no wood for fuel, except from the dead bushes, can be procured. From the Comanche springs to this place the country is sterile. Quitting "Ojo de Leon," the road still continues over a dreary and miserably barren country, without timber or grass, until it enters the valley of the Sierra Diablo. The aspect of the country now suddenly changes—mountains rise on the right and on the left—the limestone formation has generally disappeared, and the hills wear a sombre appearance, from the dark rocks of the primitive formations. The distance from the "Ojo de Leon" to the Limpia is near forty miles, and no water intervening can be relied on, though at certain seasons it may be found. At the point where the road strikes the Limpia it is a small stream, rising from its rocky bed, and after flowing a short distance disappears. The hills were here, in August, clothed in verdure as green as that of early spring, and the grass covering the mountains to their very summits gave them a pleasing appearance, rendering the country most beautiful to the eye. Wood at the encampment was very scarce.

Leaving this valley, the road enters "Wild Rose Pass." But few places can present a more lovely view than this little valley, surrounded, as it appears to be, by a wall of vertical rocks, rising a thousand feet in altitude, and which form the sides of mountains, that rise still higher and overlook the deep valley from every point.

From here the road passes over a spur of the mountain and descends on the other side, and, continuing up the bed of the stream several miles through a deep narrow cañon, leads to a more elevated plain, in which this little stream takes its rise. This cañon, in some places, is not more than two hundred yards in width. Columnar basaltic rocks that rise one behind the other, many feet in altitude, form its sides, and present a singular appearance.

The mountains of the Sierra Diablo do not form a single continuous ridge, but rise in irregular order, mountain on mountain and peak on peak, covering an immense extent of country, forming, innumerable, small shaded valleys, deep cañons, and ravines that wind in circuitous courses around their base.

The country viewed from the top of one of the highest mountains presents to the eye of the beholder, in every direction, hills in their pristine grandeur, as countless as the billows of the ocean. Far and wide these ten thousand single conical mountains rise, intersecting each other at the

base, or higher up their sides, forming an insurmountable barrier that would have precluded the possibility of a passage beyond, had not some convulsion of nature occurred to have partly opened the pass and cañon through which the road runs.

The first encampment on the plain is called the "Painted Camp." Gramma grass is abundant, and wood plenty for fuel.

The Limpia here, though near its source, affords more water than where it was first met, thirty miles below. A little distance up the stream there was growing a small field of corn, planted by the Indians, and on its banks were some "lodges" constructed of willow sticks, bent in the form of an arc, and interlaced at the top. From "Painted Camp" the road continues over the plain, and is remarkably good for a few miles.

For several leagues it runs through an almost continuous prairie dog town; and over the whole country they inhabit, the herbage is kept closely cropped by those little animals, and the fresh or new grass springing up, gives it the appearance of a bright lawn.

By the road-side, fourteen miles distant, beneath a large boulder of granite, water may be found, but it was unfit for use when we passed it, having been completely trodden up with mud by the animals of the advance trains. The first reliable water is Smith's run, twenty-six miles from the Limpia. The last six miles of the road is over ground covered with small angular fragments of rocks, rendering it very rough.

This creek is found in a ravine at the base of a high range of mountains on the right; and to reach it, the road turns off the direct course near two miles. The grazing is good, and wood is found in abundance.

These mountains on the right form a lofty and continuous ridge, presenting an extremely jagged and serrated crest. They are formed principally of rocks of igneous origin: near their tops, forests of pine are visible, and some logs, borne down by the mountain torrents, were discovered in the ravines.

Continuing along the base of these mountains, water is found again in some springs ten miles distant.

But from there to Eagle springs, a space of sixty miles, no certain or living water is found, although there are intermediate ponds; and Rainwater creek, twenty miles distant, is sometimes swollen to a stream of considerable size. Between these points the country is mostly an elevated plain. The road leaving the mountains on the right, passes over to the range on the left. From the plain other chains of mountains rise, and, running towards the north in a parallel direction, terminate in the vast plain east of El Paso. Eagle springs are found in a ravine, formed by the spurs of the mountains. Although the precaution was taken to march the train in four divisions, each on consecutive days, yet water was not found sufficient for one-third of the animals; consequently they had to travel seventy miles without water. The water did not run, but merely oozed out of the ground, and was collected in numerous holes dug for that purpose.

During most of the year, perhaps more water might be found; and now, at all seasons there will be found, in the pits that were sunk, enough for ordinary trains.

From Eagle springs the road continues near the mountains on the left, until it crosses over to the plain beyond, and runs towards a chain of mountains that rise near the Rio Grande. Continuing near their base, it enters a deep rugged cañon, and after winding down its course a few

miles, the spurs of the mountains diminishing in height, the cañon opens into the plain beyond, and the waters of the Rio Grande are visible about a league and a half distant.

The bottom lands of the Rio Grande valley on the American side, to the lower end of the island, a distance of fifty-five miles, are in many places very fertile. Timber is thinly scattered over the whole extent. The road up the lower part of the valley leads over a sandy soil, and is not good; the grass is coarse, and the grazing but ordinary.

The road crosses over a shallow ford to the island, and passing through the villages of San Elizario, Socorro and Isleta, re-crosses to the main land at the upper ford, and continues thence to the intersection of the Santa Fe road at the rancho opposite El Paso, making the distance from San Antonio six hundred and seventy-three miles. The worst portions of the route are found on the San Pedro, and up the valley of the Rio Grande. The amount of labor required to open the road and render it fit hereafter for military and commercial purposes, gave constant employment to a large working party during all the time we were on the march. The long distance in advance that the engineers were obliged to make reconnoissances before determining the route from one point to another, rendered their duties arduous.

It was not enough to know that a road could be made up one valley, or that a range of mountains could be passed, but it became necessary to explore the country further beyond to definitive points, before the opening of the route. When the nature of the country shall be seen by those who may hereafter pass over the road, it may excite surprise; but it will not be that so practicable a route has been found, but rather that any was found at all.

The town of El Paso is wholly situated in Mexico, there being, excepting the villages on the island, but three houses on the American side.

Beginning at a point on the Rio Grande ten miles above the town, and following down the Santa Fe road on the left bank of the river, the continuous chain of high mountains on the left approach close to the river, and, rising on the opposite side, stretch off to the south. Through the spurs of these mountains the Rio Grande forces its way, and this is "El Paso" (the pass) of the river. A few miles below this point, and nearer the town, the river has a fall of some twelve feet: the water from this elevation is conveyed in large "zequias" or ditches for the purpose of irrigation.

Below the pass and beyond the mountains, (approaching by the Santa Fe road) the country opens into a broad plain, in which the valley of El Paso lies. The valley on the American side is narrow, if the island be excluded; the greater portion being on the opposite or Mexican side, in which the town is situated.

The Plaza and main buildings of El Paso are in the upper end, but the dwellings extend down the valley, forming a continuous village for about twelve miles. The houses are universally built of "adobes," and, with few exceptions, are but little better than mud hovels.

A garrison of two hundred men is stationed in the town, and the sentinels placed on the banks of the river are, to a certain extent, the guardians of the ford and the revenue.

The people, for years, have lived under the constant fear of the Indians; and not without cause, for the Apaches have committed repeated

depredations in open day-light, in sight of the town. From this cause, and the miserable system of "peonage" that prevails, the products of agriculture are barely sufficient to support the inhabitants, and grain to supply the wants of emigrants, and for other purposes, has to be brought from Chihuahua.

The grape is extensively cultivated on the irrigable lands, and in size and flavor, is, perhaps, unequalled. The wine it yields, however, owing perhaps to the mode of manufacture or making, is rather indifferent. Some of the old wine is said to possess a fine flavor, but the Mexicans seldom permit it to attain any age. Peaches, pears and apricots are good: the apples are small and inferior in quality. Vegetation attains an enormous growth; and cactus were found that measured six and a half feet in circumference.

Excellent stone for building is found in the hills close by. Saw-mills are now being erected in the Sacramento mountains, eighty miles distant, where timber is said to be found in abundance.

On the plains near these mountains are extensive salt lakes, from which the State of Chihuahua draws its supply. The testimony is concurrent in relation to the richness of the silver mines in the neighborhood, but the Indians have always prevented their being worked to any advantage. The country around El Paso, excepting the bottom lands of the Rio Grande, is sandy, and covered with a dwarf growth of bushes. The large plains towards the east would afford a place for grazing, were the herds secure from the Indians; but to what extent it may become a pastoral country, depends in some measure on the discovery of water.

The island is low and flat, the soil rich and productive, and a system of irrigation is extended as far as the settlements. Its population is estimated at two thousand.

The valley of the Rio Grande, in proper hands, is capable of supporting a large population; and *below* the island the larger portion is on the American side.

El Paso, from its geographical position, presents itself as a resting-place on one of the great "overland" routes between the seaports of the Atlantic on one side and those of the Pacific on the other. Fourteen miles above, and our territory crosses to the opposite side of the Rio Grande; a little further north and west are the headwaters of the Gila; and, should the route from El Paso to the seaboard on the west present no more difficulties than that from the east, there can easily be established between the Atlantic States and those that have so suddenly sprung into existence in the west—and which are destined to change, perhaps, the political institutions and commercial relations of half the world—a connexion that will strengthen the bonds of union by a free and constant intercourse. The government has here been a pioneer in the enterprise, and the little labor bestowed may not be lost to the public weal.

The distances given in the annexed table are accurate measurements made by the engineers, and generally indicate the encamping grounds and places where water may be found.

From San Antonio—	From point to point or camp.	Distance from San Antonio.
	Miles.	Miles.
To Castroville	25.42	25.42
Quihi	10.00	35.42
Vandenburg	7.17	42.59
Arroyo Hondo	3.80	46.39
Rio Seco	8.98	55.37
Ranchero's creek	8.38	63.75
Sabinal	3.94	67.69
Comanche creek	5.37	73.06
Rio Frio	8.50	81.56
Head of the Leona	7.06	88.62
Nueces	9.04	97.66
Turkey creek	10.37	108.03
Elm creek	15.23	123.26
Los Moros	7.13	130.39
Piedra Pinta	7.46	137.85
Zoque	9.02	146.87
Arroyo Pedro	3.81	150.68
San Felipe	8.98	159.66
San Pedro	10.70	170.36
Painted caves	2.54	172.90
Pallos Blancos	16.48	189.38
Camp 2d on San Pedro	18.64	208.02
Head of running water in summer	8.63	216.65
Camp, head of valley	13.88	230.53
Howard's springs	41.21	271.24
Live Oak creek	32.40	304.14
Ferry of Pecos	7.88	312.02
Camp above ferry	12.59	324.61
Second camp above ferry	16.23	340.84
Third camp, leave the Pecos	7.74	348.58
Escondido creek	18.24	366.82
Escondido springs	8.58	375.40
Comanche springs	19.47	394.87
Leon springs	9.57	404.44
Limpia	37.00	441.44
Entrance to W. R. pass	6.97	448.41
Camp in small valley	4.50	452.91
Painted camp	14.08	466.99
Smith's run	26.33	493.32
Springs	9.00	502.32
Rainwater or Providence creek	17.82	520.14
Water-holes, (dry)	18.77	538.91
Eagle springs	21.57	560.48
Entrance to cañon	22.61	583.09

From San Antonio—	From point to point or camp.	Distance from San Antonio.
	Miles.	Miles.
To Rio Grande	8.81	591.90
Lower ford	54.80	646.70
San Elizario	5.00	651.70
Socorro	4.45	656.15
Isleta	3.10	659.25
Upper ford	7.05	666.30
Coon's hacienda	7.09	673.39

It might be well to remark that in all the streams between the San Antonio and San Pedro rivers fish are abundant, and that in their vicinity deer and turkeys are found.

The headwaters of the San Pedro are inhabited by beaver. Bear and peccary are also found in the same neighborhood, and antelope on the plains west of the Pecos.

Four different species of quails were killed—the common quail; the tufted quail, slightly ash-colored; the California quail, with a long plume from the top of the head; and another variety with dark breast and black belly, the feathers on the breast having white round spots on them, and those on the back black spots; the last mentioned were found principally on the rocky sides of the mountains.

This side of the Pecos there is but little difficulty in procuring game for subsistence if good hunters are with the parties.

In returning to San Antonio we came by the Fredericksburg or upper route, to the point where it crosses the Pecos.

Leaving El Paso, this road bears an easterly course for thirty miles, to the Waco tanks, running over a level, sandy plain. The supply of water in the tanks depends on the rains. We did not find sufficient water in them for a train of 300 animals.

The passage of the Waco mountain is steep and difficult, though it should be stated that erroneous information induced us to take the road by the left of the mountain. The next water of note is found at "Ojo de los Alamos," in small holes dug on the side of a granite mountain, of rather difficult access. They do not contain water enough for a large train, but others could be easily sunk. Distance from the Waco tanks, twenty-five miles. The grazing is good, but there is no wood to be found, except small bushes. At Thorn's spring, about nine miles further on the road, water is found in abundance, but it had to be taken in buckets from a natural well in a cave vaulted over with rocks.

From the Waco mountain to the "Ojo del Cuerbo," the road is excellent. Here water in abundance is found—the grass is fine, but there is no wood. Numerous saline lakes are found on the plain. From here the road runs over several small spurs of hills, and then enters a large ravine, in-

tersected by numerous small ones, which renders the travelling rough and difficult.

At the head of the large ravine, the long ascent of the Guadalupe mountain commences. The road winds along its side for near half a mile before the plain above is reached. The ascent is so steep, that the maximum load that can be drawn up may safely be stated not to exceed one-half that which can be transported on ordinary roads. Water was found at the head of the ravine, and in a forest of pines six miles beyond, and again a few miles in advance.

The Guadalupe mountains rise abruptly from the plain near this point to their highest elevation, and in an unbroken chain stretch over the tableland in a northeasterly direction, until their tops sink beneath the horizon in the distance. From these mountains one vast, irregular, and slightly broken plain or mesa extends to the Pecos river, and thence beyond view towards the headwaters of the Colorado and Brazos rivers.

After striking the Pecos below Delaware creek, the route lies down the river to the "Horsehead" crossing, a distance of over one hundred and seventy-five miles. But few places can be found more lonely, or that present a more dreary appearance, than all this region of the Pecos. Nought that is pleasing meets the eye—no sound falls on the ear. Here solitude reigns supreme, wrapt in the eternal silence of all ages past—a silence, perchance, unbroken from the beginning, save by the cackle of the wild fowl or the midnight howl of the wolf. Civilization in its strength has not been here, and the only signs of life or moving thing is now and then a single deer, a few antelopes, a flock of ducks circling over the lagoons, or a solitary crane winging his way up the course of the stream. Not a tree can be found under which the traveller can rest protected from the intense rays of the sun in summer, nor can wood be found to warm him in winter. The cold winds of autumn sweep with violence over the plain, and we encountered here in the middle of October, snow five inches deep.

The numerous salt-marshes through which the road runs were very miry, and the animals would sink down in the quick sand, unable to rise. The streams that carry to the river the surcharged water from the salt-lakes on the plain were with much difficulty passed; and it is from them that the water of the Pecos derives some of its saline and bitter properties. The grass is coarse and salt, and wood, even for culinary purposes, is with difficulty obtained. The country on the left bank of the river is a little more elevated than that down which we came, and appears more free from marshes.

We found the country about the "Horsehead" crossing extremely boggy; so much so that the animals could not be driven within a mile of the stream. From here, striking out from the river to avoid the impassable salt-marshes, the return route joins the one over which we went to El Paso, near the point where it turns off from the Pecos for Escondido creek. Thence, by our own road, we returned to San Antonio, after an absence of nearly six months. The time occupied in returning, with a small train of thirty-five wagons, was forty-one days.

The upper route, from the "Horsehead" crossing on the Pecos, continues by the Concho and San Saba rivers, &c., to Fredericksburg, and thence to the gulf, either by San Antonio or Austin; and has been examined and surveyed by Lieut. F. T. Bryan, topographical engineer.

Such are the routes over which we passed, and in this brief description

I have confined myself to such matters as may be useful to guide officers of the department when sending trains over the road hereafter.

In conclusion it might be observed, that a road following up the level country that obtains between the Pecos and the Sierra Diablo and other ranges, to the point where those mountains terminate in the plains to the north, and thence striking over towards the Rio Grande, leaving the Guadalupe mountains to the right, would avoid the passes of the former and the heights of the latter, and run throughout its whole extent over a comparatively level country, favorable to transit by steam; but the difficulty of procuring running water at proper intervals would seem to render intercommunication impracticable by the ordinary means of travelling with wagon trains.

S. G. FRENCH,
Captain and Assistant Quartermaster.

WASHINGTON CITY,
October 7, 1850.

GENERAL: In compliance with your orders of yesterday, I have the honor to submit to you a brief report on the subjects to which you refer, and particularly to the expedition to El Paso del Norte.

According to my instructions, after embarking the division of the army encamped at Pascagoula, I sailed for Galveston, Texas, and thence proceeded to Austin to make arrangements for transporting the troops to the frontier stations on the waters of the Trinity, Brazos, and Colorado rivers, and for furnishing them with supplies. This was during the inclement winter of 1848-'49, the troops marching from Houston to Austin, and thence to their respective stations, distances varying from 250 to 350 miles. They had many difficulties to encounter incident to such a country, and suffered not a little from the sleets and snows, from which they were protected only by canvass. This duty being accomplished, I was ordered by the late General Worth to repair to San Antonio to fit out and accompany an expedition to El Paso.

On arriving there, (in March,) I was informed by the chief assistant quartermaster in the department, Major Babbitt, that estimates for the supplies for that service had been made, and a contract entered into for some 600 unbroken mules; also, that an agent had been sent into the country for the purpose of purchasing oxen. These papers were turned over to me on my commencing the duties: and here, out of justice to the officers of the department, and to myself, you will pardon the alluding to the difficulties that were necessarily encountered. It was estimated that 250 additional wagons would be wanted; and these, with all the appointments, harness, and supplies, had to be shipped from New Orleans, or to be drawn from Brazos island, and were landed at Port Lavaca, some 140 miles from the point whence the expedition was to start.

For this train some 800 mules and horses, and over 1,100 oxen, were required, and more than 300 teamsters and mechanics had to be engaged.

As fast as the animals were purchased and received at San Antonio, they were sent to Lavaca to bring up the wagons and supplies; but it was not until April that the wild Mexican mules were received. Wild as they

were, the greater part of them were immediately driven to the seaboard "lassoed," and forced into harness, to bring up the wagons; and the sudden change from grass to grain, on which they had never been fed before, united with labor, reduced some of them very much.

The majority of the wagons, on being brought to San Antonio, had to be altered for the use of oxen by substituting new poles or tongues, and new king-bolts with joints; and on their being exposed during the dry weather to the sun, it was found necessary to cut and reset nearly every tire on the wheels.

At this period troubles seemed to multiply. The necessary articles could not be procured; the cholera broke out with fearful mortality—the deaths numbering, perhaps, one-fifth of the inhabitants. The people forsook the town; men in service were dying and deserting; no physician for some time could be employed to visit the numbers sick, or restore confidence to the panic-stricken. The country was deluged with rains, and a flood, with a sudden rise, overflowed the camp of the troops that were under orders for the expedition, and damaged or swept away their stores and animals. The commanding general returning at this period from New Orleans, his sudden death, if possible, added to the universal gloom. Men in my employ, when with trains, died by the road-side, or were left sick by their more fortunate companions at the nearest habitations by the way.

The epidemic continued, during the months of April and May, up to the period of departure.

After sending to Austin, I succeeded in getting a physician, who remained in camp with the men, which in some measure quieted their fears. During this season of alarm it was with difficulty men could be engaged in the department, and only the wish not to forfeit what was due them kept others in employ. For several weeks but few, if any, persons visited the town. Still, in my camp, eight miles from the town, no exertions were spared. The men were kept herding animals on the prairies or with the trains, or in "breaking in" wild mules for harness. Forges were erected, the stocks made, the mules shod, and the numerous irons made for the altered wagons.

The cutting and resetting of the tires was tedious and laborious work, for all the wood had to be cut, and near a thousand bushels of coal burnt; but, by the teamsters assisting the mechanics, I was able to report the train in readiness to move by the latter part of May.

The first orders were to proceed by the way of Fredericksburg, and some supplies of forage were put in depôt on the road; but on the return of the engineers who had explored the country to El Paso, that route was abandoned, and the one by the Leona taken as preferable. As no forage could be procured immediately on this route, arrangements were made for a small supply to be purchased in Mexico, and to be delivered at the Leona, where the general trains were to concentrate and await the arrival of the troops.

The regimental quartermaster was furnished with the requisite number of wagons for the troops, and twenty ox teams for his stores. I continued the loading of the wagons until *all* the commissary stores and quartermaster's property were taken in, and caused them to move forward to the rendezvous at the Leona, where the last arrived on the 7th of June. The troops under Major Van Horne, with the regimental train, started on the first of the month, but, owing to the frequent rains and bad

roads, did not reach the Leona until five or six days after the supply trains.

At this place Colonel Johnstone was furnished with a sufficient number of wagons for his party, with working tools, &c., and he took the advance, making explorations of this almost unknown and pathless country, and opening a road over which we passed.

We remained in camp getting a supply of coal, cutting the tire as the wheels shrunk, and making final preparations for departure. On the 18th of June the trains moved a few miles, and on the following day joined with the troops, and all encamped on the banks of the Nueces river.

The whole number of wagons was near two hundred and seventy-five, and the number of animals along, including the beef cattle and the few with the emigrants, was about two thousand five hundred. While at the Leona the commanding officer directed that agents should be sent into Mexico to procure some additional mules for the regimental train, and a supply of grain, if possible, to meet us on the Los Moros, none having been received at the Leona.

We encamped on Turkey creek on the 20th, and owing to the rains that fell, rendering the roads boggy, we could not move until the 29th. Even then they were so bad that the first wagons were in camp thirteen miles distant before the last could move. The trains were thus extended all that distance, the rear moving at 12 m., and not getting into camp until sunset.

Finding that the animals must perish, subsisting as they were on grass, if they remained so long in harness, I again represented to the commander the necessity of furnishing me with an escort and permitting me to march alone, free from the baggage-wagons of the troops and regimental train, or else to subdivide the whole into divisions with escorts, to march on consecutive days, but the order of march was not changed.

On the 2d of July, while encamped on the Zoquete, Mr. Minter returned from San Fernandez with 30 mules. He had marched from Eagle Pass to reach us in thirty hours. In the morning he started again for Mexico to bring the balance of the animals purchased in other towns.

On the 6th we reached the San Felipe, where we were overtaken by Mr. Campbell, who had agreed to furnish me with grain on the Leona. Following subsequent directions, he left Eagle Pass and endeavored to intercept our trains at the Los Moros; but owing to the rains, he had been wandering over the wet and unknown prairies for a road some sixteen days; and I mention this to show the almost impossibility of travelling on the wet prairies, where there is not a well-beaten road.

On the morning of the 8th Major Van Horne, with all the troops excepting one company, left for an escort to my trains, moved on in the advance with their wagons and a supply of provisions. I remained in camp there fifteen days. The advance were encamped during the same time two days' march ahead, having overtaken the engineer party.

On the 7th Mr. Thompson, the express rider, returned from Mexico in charge of some carts loaded with corn. He reported that the Mexicans would not come on any further than the Los Moros, and that he had left them there. As this was a violation of their contract, I felt obliged to send an armed party to bring the carts into camp; but on an explanation being made by the interpreter whom I sent back, they willingly came on and joined us. The agent sent into Mexico returned on the 14th, and

brought with him the remainder of the mules purchased. They were much wanted; for experience had taught us that every herdsman must have two animals, one to ride by day; and the other at night for herding. I have never seen any service harder for animals than that of herding a large drove of cattle; and so severe was it on the saddle-horses, that many of them died before we could get mules to relieve them.

By the 20th of July the troops were obliged to move, the animals having drank all the water that could be found, and after much suffering from thirst they reached the second crossing of the San Pedro.

Whilst we were encamped at San Felipe, and for some days after, the thermometer would indicate a temperature during the day varying from 103° to 106°, and this in the shade of trees or beneath double awnings. Vegetation became parched and withered up, and the wind felt as warm to the face as though it came from a furnace.

On the morning of the 22d we left our camp, crossed the San Pedro, and the day following, after a tedious march, reached the Palos Blancos. Finding but little water there for the mules and none for the oxen, one of the ox trains moved on at sunset, and arrived at the second crossing of the San Pedro after much suffering and loss of animals, for the heat was oppressive.

The march now was up the valley of the river to its source, which we reached on the 29th, overtaking Major Van Horne. The next day he moved on, leaving me an additional company with two mountain howitzers, under the command of Brevet Major Richardson, which added to the company under Brevet Major Shepherd, formed the escort. We did not overtake the commanding officer again until the 24th of August.

From the headwaters of the San Pedro to Live Oak creek, a distance of some seventy miles, but one spring of water is found, and the oxen suffered very much, and some were left on the road unable to travel by reason of swollen and tender feet. We reached the Pecos river on the 9th, and crossed it by taking one wagon over at a time in a flat-boat that we had brought with us from San Antonio. We were so unfortunate as to lose one wagon, by the end of the boat being drawn down by the current and throwing the wagon into the stream. In returning, the baggage and stores were crossed on a raft, made by securing twenty-seven kegs to three spare wagon poles, on which was placed a wagon body. The wagons being empty, were drawn over by hand with ropes. With the flat boat twenty-five loaded wagons could be crossed per hour.

The march was now continued without much interruption or delay until the whole force again joined at the "Painted Camp." From there the trains marched separately. We had then passed out of the limestone formation of country, and entered the mountainous region, with rocks of the primitive formation, and the sharp angular fragments that covered the ground everywhere made many of the cattle tender-footed and lame, while the mountain passes and deep, dark, rugged cañons, with rocky bottoms extending for miles, added to their suffering. From Providence creek to the Rio Grande, a distance of over sixty miles, there was but one small spring of water, and it was therefore directed by the commanding officer that one train should leave on each of four consecutive days, to allow the spring to fill during the intervals; but the water almost entirely failed, and some of the cattle before the river was reached appeared mad, digging

holes in the sand with their feet, and thrusting their noses into them to let the parched lips meet the moist earth.

On the 3d of September we reached the Rio Grande, and on the 8th arrived at El Paso—having been one hundred days on the road.

During the march from the rendezvous I sent, from time to time, from the main train, all the spare wagons I had to the assistance and relief of the company teams and the regimental train. Forty-nine wagons in all were sent; and these, added to what they originally had, increased their ox-train to between sixty and seventy teams. This train moved always under the direction of the commanding officer; and, from its being in advance, or from its marching at different hours, and more generally in the day-time, sustained the greatest loss of animals—amounting in all to one hundred and four oxen from the rendezvous to the place of destination. The loss from the trains under my own immediate charge for the same period was eighty. This is proportionally not a much greater loss than large trains experience on the well-known Santa Fe route. As trains increase in size, the danger of animals straying and all other causes of loss increase, while the means of subsistence diminish.

The severest loss was caused by their feet being made tender by the angular rocks. This would inflame and swell their legs to such a degree that they could not walk, and such were necessarily left by the way. During the time we were in camp, I caused the smiths to devote all their spare time to making shoes for the oxen; and about 175 were forged, and some 40 oxen shod. These animals travelled with more ease over the stony plains. More would have been shod during the march, only that the smiths were chiefly engaged with the mules or the wagon-tires as they became loose. The drivers were made sometimes to incase the feet of their cattle in the green hide of those killed from the beef herd, making a kind of raw-hide boot; but they did not answer much the purpose. The thorns from the chaparral penetrating their feet, injured many.

The loss of mules from my trains from the Leona to El Paso, from death, straying, drowning, including those stolen *en route*, and those by men supposed to be of "Glanton's" party, or otherwise, was, I believe, only fourteen. This is exclusive of some six or seven broken down and sent back from the San Felipe, and a few lost from the train with the engineer party. I have not my official papers here with me, but I believe only three mules were lost from the train of twenty-five wagons on the route returning, and two of them escaped over the mountains. It might not be out of place here to mention how far some of these animals travelled during the season. The mules, being purchased in Mexico, were driven near 600 miles to San Antonio; from thence to Lavaca and back, by the upper route, 300 miles; to El Paso and back 1,360 miles; and thence to Eagle pass and return, 350 miles—being in all 2,600 miles. Many of the oxen were driven from Bastrop and La Grange to San Antonio; thence to Port Lavaca and return, and from San Antonio to El Paso, a distance of over 1,000 miles. A question here presents itself as to which is the most serviceable animal for such expeditions, the ox or the mule. Both possess alike, though in different degrees, certain qualities; while in others they are dissimilar. The *nature* of the country must be considered in the question of economy. Here it may be supposed that the animals subsisted entirely by grazing. The mule will travel with a load a fraction over two and a half miles per hour,

and in that time gain on the ox 900 yards—the ox travelling two miles per hour. I have known an ox-train to travel forty miles in twenty-two consecutive hours.

Mules are more gregarious than oxen, and more easily herded at night, though more liable to be "stampeded." I have seen a drove of 300 "stampeded" in the daytime from such a slight cause as one of their number, with a saddle on, joining the herd at a run. At night, an Indian, a wolf, or a horse running by is sufficient cause for the loss of a herd; and hence arises the great risk in an Indian country. Mules, too, when once in the possession of Indians, cannot often be overtaken by the pursuing party, whereas oxen can; but oxen will stray off singly from the herds, and lie down in the bushes, and thus often are lost. Mules will subsist where oxen cannot; and, in mountainous countries, they can always feed on the hill-sides. Their powers of enduring fatigue, hunger, and thirst are greater; and more particularly so when the marches are made during the day. They require only one-fourth as much water. The ox has the advantage in strength; and particularly is this serviceable in wet, boggy soils, or on level plains, but in a less degree is it exerted in steep ascents. The mule is much the more tractable animal, and for *general service* with troops is much preferable. The average cost in Texas for a good yoke of gentle oxen, delivered, was near \$40; for good mules, from \$50 to \$60. Six mules or four yoke of oxen constituted a team.

Oxen, in very warm weather, when the march is long, should be driven at night, but should always be stopped and permitted to graze while the dew is on the grass. Our mules being wild when we started, at first grass was cut for them; next they were hobbled while grazing; but soon both these methods were abandoned from necessity, and the animals turned loose, day and night, under charge of a strong guard of armed teamsters and herdsman, to prevent the approach of Indians and loss by "stampede." During a stampede, when the mules are being led away by a horse, their flight may be arrested by shooting the horse. Horses should not be permitted to run loose with a herd of mules, for the mules will follow them almost invariably: such attachment have they for a horse, that they will follow one wherever he may be led, being governed either by sight of him or the sound of a bell attached to his neck.

Notwithstanding that the animals belonging to these trains subsist chiefly by grazing, they are hazardous and expensive, as land transportation generally is; and were these expeditions not to assume a military character, thereby overawing the Indians frequenting the section of country through which they pass, it would be well to inquire what articles of supply could be procured from Mexico, to diminish their size.

More difficulty was experienced in subsisting the animals at El Paso than when on the march. The mules had to be placed on the island at a point near twenty miles from where we were encamped, and the oxen driven some fifteen miles up the valley in the opposite direction to graze on the bottoms, where the chaparral was so thick that it was nearly impossible to keep them from being lost, exposing them to the Indians, and where they were liable to be driven off stealthily by emigrants or Mexicans. But these were not all; for on the opposite side of the river, and in the employ of the State of Chihuahua, was a lawless band under the notorious Glanton; and men wishing to join his party sought every opportunity, day and night, to steal our horses and mules. The animals, thus, to forage,

had to be scattered up and down the valley a distance of near forty miles, with no other immediate protection than the armed teamsters and herdsmen; for I could not procure a sentinel, much less a military guard. On the march, I was always allowed *one* sentinel to guard the property and the different herds of animals. The same annoyances surrounded Captain Bowman with his animals, and his duties as commissary and quartermaster became very laborious.

Persons unacquainted with that section of country can form no just appreciation of these difficulties; perhaps at no time during the Mexican war were men or troops so beset with trials. The term of service for the teamsters had expired, and, as they wished to continue on to California, they had to be discharged, notwithstanding that the regimental quartermaster was under orders to send a return train of one hundred and twenty wagons to the Pecos, to meet one then on the road. Houses were not to be had for storage; and forage could not be procured for the few teams in daily use, except by purchasing grass pulled up by the roots from the gardens in the town opposite, and which was brought into camp by the "peons" in small quantities. The alcaldes were visited, and I believe they did all they could to aid in furnishing the most necessary wants. The truth was, the whole population, men and beasts, were in a state bordering on starvation; and, before I left on my return, I learned that orders had been given by the alcaldes to forbid any grain being given to beasts of burden. Grass pulled up by the roots was worth \$40 per ton, and wood \$12 per cord, corn \$3 per bushel, and hams 50 cents per pound. Two causes may be assigned for the scarcity of subsistence and forage.

Up to the period of our arrival, the Indians possessed the country even to the walls of the town, driving off the live stock, and limiting agriculture chiefly to the gardens adjoining the dwellings. But little had been sown, and less reaped, and much of this had been carried off by the tide of emigration. The length of time passed on the road admonished me that the funds that had been furnished me were entirely inadequate to the discharge of half the men; and to meet such contingency, and to prevent them from being a burden on the department after our arrival, I despatched an agent from the Comanche springs, (on the great Indian trail,) by the way of Presidio del Norte, to Chihuahua, at much risk of life, to secure the necessary funds, to meet me at El Paso. The party accomplished the object for which they were sent, and reached El Paso before we did. From the agent I learned that grain could be had in Chihuahua, and a contract was made for a small supply to enable us to return.

For the protection of the settlements at El Paso, troops will probably be required for many years, leaving out its consideration as a post of military importance; and an inquiry into the most economical and certain mode of supplying them with subsistence and forage, &c., was enjoined upon me by my instructions.

Certainly, ere a few years shall have passed, a considerable portion of the valley of the Rio Grande, in the immediate vicinity, will be under cultivation, protected against the Indian depredations as it is by a military force, and yield in abundance forage and some articles of subsistence. In the meantime, flour, corn, corn meal, sugar, and soap might be procured from Chihuahua at less cost than when transported from the seaboard. Individuals offered to contract for the delivery of flour from Chihuahua for 12½ cents per pound. Corn can be delivered at an average cost of

\$2 80 per bushel, by timely arrangements; the freight from Chihuahua was four cents per pound—the variable function being the original cost of the grain there. Wine, undergoing the acetic fermentation, will afford good vinegar. Soap is abundant; and salt abounds in the lakes, though I am not certain but that it may contain some impurities. Coffee, candles, bacon, clothing, quartermaster's stores, &c., will have to be drawn from the coast. Antiscorbutics will not be wanted, as vegetables can be raised in abundance.

Beef cattle can be driven from western Texas, where they are numerous, or be purchased in Chihuahua. I have alluded to these matters as you desire, though they properly belong to the subsistence branch of the service.

In relation to lumber for building purposes, I have gathered but little information; for really the whole country may be said to be yet unexplored, even near the post, because of the Indians. Parties had gone out with mills to saw lumber, but I have heard nothing from them since. It was reported that timber was found forty miles distant, and also in the Sacramento mountains, eighty miles from the post. Considerable forests are found in the valley below the island, but they are of limited extent.

To those familiar with travelling in Texas, positive distance from point to point is not of so much consideration as good roads through a fine region of country; hence transportation sometimes takes more indirect routes. It can be said with safety that any new military post on the frontier will for its supplies involve *one-third* more expense, all else being equal, than at a period of a few years after its establishment. The multiplication of new depots involves expense, and is often a fruitful source of delays, unless they embrace most of the stores required, or are arranged with system; and, in all military operations, certainty of execution is all-important, while delays are equally dangerous. A few large depots, well arranged, at points judiciously selected, and abundantly supplied for *frontier service*, where all trains have to be *escorted*, appear, from my experience, most advantageous. Trains cannot well be sent to as many points as there are articles required, are less safe, and incur more expense; hence depots of commissary, ordnance, and quartermaster's stores should be at the same point.

The best route to the stations on the Brazos and Trinity I cannot determine from actual observation, though Galveston has been named in answer to my inquiries. From Houston a line has been established on the dividing ridge between those rivers, and supplies can be forwarded.

For a more particular description of the road to El Paso, and the nature of the country through which it passes, you are respectfully referred to my former report, forwarded to your office from San Antonio, in December, 1849.

Very respectfully, your obedient servant,

S. G. FRENCH,

Captain and Assistant Quartermaster.

Major General T. S. JESUP,

Quartermaster General U. S. A.

E.

ASSISTANT QUARTERMASTER'S OFFICE,
Brazos Santiago, Texas, September 5, 1850.

GENERAL: I have the honor to report that Captain Love has returned from his explorations of the Rio Grande.

He left Ringgold barracks, Texas, (nearly opposite Camargo, Mexico,) with the keel-boat "Major Babbitt," and a crew of twelve men, on the 11th of March, 1850. The "Major Babbitt" was fifty feet long, sixteen wide, and drew, with her crew, provisions, arms, &c., on board, eighteen inches of water. Captain Love was instructed to carry her to the highest attainable point on the Rio Grande; and I am satisfied he faithfully complied with the orders received. He found this point at a distance of 967 miles from Ringgold barracks, where his further progress in the keel-boat was stopped by impassable falls, which he named "Brooke's falls." On arriving at this point, Captain Love carried the skiff which accompanied his boat around these falls, launched her, and rowed her forty-seven miles to other falls, which he named "Babbitt's falls." These are 1,014 miles above Ringgold barracks, about 150 by land below El Paso, 25 by land below the mouth of the Concho, and 291 by water above the mouth of the Puerco, sometimes called the Pecos.

Beyond this point he found it impossible to proceed with the skiff either by land or water, and left it, the 15th of July, on his return. He arrived at Ringgold barracks on the 11th of August, where he turned over his boat to the quartermaster, and reported to me at this post on the 25th of August.

From Captain Love's rough notes, and from frequent conversations with him, I am enabled to present the following report of his expedition. I would here observe that his distances were not taken with mathematical precision, yet I believe them to be sufficiently accurate for all practical purposes. All the distances given are by the river, unless specially mentioned as being by land. On the accompanying map, (the skeleton of which was taken from Emory's, published in 1844,) I have put down the towns on both sides of the river, the rivers and creeks emptying into the Rio Grande, coal mines, &c., and the distance of every important point from Ringgold barracks.

Navigation of the river.

It would here be proper to remark that Captain Love made his expedition at a time when the water was lower in the Rio Grande than had been known for several years, and therefore it was a most favorable season to ascertain the practicability of its navigation at all times.

From Ringgold barracks to Kingsbury's falls, which are 169 miles above Fort McIntosh, (near Laredo,) and eleven below Presidio Rio Grande, (where General Wool's column crossed into Mexico in 1846,) there are obstructions in the river, which would prevent its navigation about seven months of each year by steamboats of the class which now run between its mouth and Ringgold barracks. During the other five months—from June to November—when the river is generally high, steamboats of the largest class now running on the lower Rio Grande could go without difficulty to Kingsbury's falls. During the seven months of low,

or rather ordinary water, there are three and a half feet of water in the channel, which is about twenty-two feet wide. A smaller-class steamboat could be constructed, (iron would probably be the best,) to navigate the channel at all seasons of the year: those adapted for towing keel-boats would perhaps be preferable. This narrow channel only occurs at intervals; and Captain Love is of opinion that it could be widened to admit the passage of the largest-class steamboats now on the river—say of the size of the United States "Corvette" and "Major Brown," which are about 150 feet long, 46 wide, and draw, loaded, three and a half feet—for \$10,000. As Captain Love is a better sailor and frontiersman than a civil engineer, probably a nearer approximation to the truth would be arrived at by doubling or trebling his estimate. Private steamboats of about the size of the above-mentioned government boats run at all seasons as high as Guerrero, 103 miles above Ringgold barracks.

Kingsbury's falls.

These falls entirely obstruct the navigation of the river for steamboats. Two keel-boats, the "Harry Love" and "Major Babbitt," have been hauled over them with much difficulty. They are about 200 feet long, with a fall of four feet; and the rock which forms them is argillaceous limestone, which is easily removed with a crowbar. Captain Love is of opinion that a channel could be cut through them, or rather that the present channel could be widened to admit the passage of the steamboats "Corvette" and "Major Brown," for about \$3,000. Captain Kingsbury, (a practical engineer,) who made an examination of them in 1819, under my instructions, (see my report dated May 16, 1849,) assured me that a channel could be cut through them to allow the passage of the keel-boat "Harry Love" (which was 75 feet long, 20 wide, and drew 18 inches of water) for less than \$500.

Captain Love was informed by an American merchant residing at the town of Presidio, Mexico, six miles from the falls, that, during five months of last year, when the water was unusually high, a steamboat drawing 3½ feet could have run over them. This I think doubtful.

From Kingsbury's falls up the mouth of the San Pedro or Devil's river a distance of 232 miles, there is nothing to obstruct the navigation of the river with steamboats of the largest class running on the lower Rio Grande. Although the river was at its lowest known stage when Captain Love passed up, there were nearly four feet of water, with a wide channel.

The mouth of Devil's river, which is about 100 miles below the mouth of the Puerco, and 617 above Ringgold barracks, is the head of steamboat navigation. Above this the Rio Grande runs between high mountains, is deep, rapid, crooked, and narrow. It, however, could be navigated with some difficulty by keel-boats to a point 65 miles above the "Grand Indian crossing," or about 283 miles above the mouth of Devil's river.

The garrison at Fort McIntosh (Laredo) is now supplied by keel-boats and a train of from 30 to 46 mule-teams; the latter also supplies Fort Duncan, (near Eagle Pass,) which is 100 miles by the road above Laredo, and 65 by the river above Kingsbury's falls. If the obstructions at Kingsbury's falls were removed, Fort Duncan could be furnished by keel or steamboats, thus obviating the necessity of an expensive wagon-train.

Should the river be rendered navigable, at the trifling expense above mentioned, to the mouth of Devil's river, it would then become an important question whether it might not be judicious economy to establish a depot at that point, and transport our stores from thence by land to El Paso, instead of, as at present, transporting them by wagons, at an immense expense, from Lavaca, on the Gulf of Mexico, to El Paso, a distance of 850 miles. Captain Love, who rode from El Paso to San Antonio, about a year since, with despatches, believes that a good road could be made without much labor or expense from the mouth of Devil's river to El Paso, and that the distance would not exceed 300 miles. This estimate is, of course, in a measure conjectural, but I think the route indicated well worth an examination; and if Captain Love's opinion should prove to be correct, the subject of a change in the manner of supplying El Paso, and perhaps Santa Fe, which is 320 miles above El Paso, would be well worthy the attention of the department.

Military posts, towns, soil, products, &c.

Ringgold barracks is the first military station on the Rio Grande above Fort Brown, and is garrisoned by two companies of the first infantry, under the command of Major Larnotte. This is a depot from which are supplied Fort McIntosh, Fort Duncan, the Texas rangers, and other mounted troops stationed temporarily in the vicinity of those posts. All the supplies for this depot are transported from Fort Brown, at present, by the United States steamboat "Corvette."

The next military post on the Rio Grande is Fort McIntosh, situated near the old town of Laredo, and is garrisoned by two companies of the first infantry, under the command of Captain Burbank.

Between Ringgold barracks and Fort McIntosh are several towns, viz: Camargo, situated on the San Juan river, three miles from its junction with the Rio Grande, having a population of about 2,000; Rio Grande City, a new and flourishing place on the American side, one mile above Ringgold barracks; Rome, a new town on the Texas side, with a population of about 500, among whom are several enterprising merchants, who carry on considerable trade with the neighboring Mexican States; Mier, situated two miles from the Rio Grande, on the river Alcantro, with a population of about 2,000; Guerrero, six miles from the Rio Grande, on the Salado, with a population of about 4,000. The soil on both sides of the Rio Grande, between Ringgold barracks and Fort McIntosh, is very fertile, and under cultivation. The principal products are corn, beans, melons, &c. Some tobacco planted this year for the first time looks well. Ebony, willow, mezquite, and hackberry grow along its banks. The grazing is excellent, supporting immense flocks of sheep and goats and vast herds of cattle. Large droves of wild horses and cattle are seen in every direction. Game is very abundant. There are large mines of bituminous coal near Guerrero. The distance between these two points—Ringgold barracks and Fort McIntosh—is 120 miles by land, and 216 by water.

The next military post is Fort Duncan, (near Eagle Pass,) garrisoned by three companies of the first infantry, under the command of Colonel Morris. It is about 100 miles by land, and 234 by water, above Fort McIntosh. The only town of any size between Forts McIntosh and Duncan is Presidio, situated six miles from the Rio Grande, opposite the

ford at Presidio Rio Grande, and about 30 miles from Fort Duncan. It contains 2,000 inhabitants, and has a garrison of 200 men.

A little town is springing up just below Fort Duncan, which will probably become one of considerable commercial importance, as it is near that point where the roads from Mapimi, Parras, Monclova, Santa Rosa, San Fernando, Nava, Presidio, &c., strike the Rio Grande.

The soil between Fort McIntosh and Fort Duncan is excellent; but, in consequence of the frequent incursions of the Indians, only a small portion is under cultivation. The farmers turn their attention, on a grand scale, to the raising of sheep and goats—animals which the Indians never steal. Wild horses and game are abundant. Timber the same as below Fort McIntosh, with the addition of pecan. There are two inexhaustible mines of bituminous coal, of superior quality, on the Texas side of the river, specimens of which, brought down by Captain Love, I have tested.

There are several rich silver mines on the Mexican side, some 40 or 50 miles back from Presidio Rio Grande, which were worked to advantage by the Spaniards, before their expulsion in 1829, even after paying a handsome per centage of the nett proceeds to the Mexican government and the owners of the land. Nothing prevents their being worked now but the want of capital and perhaps energy.

There are no settlements, either American or Mexican, above Fort Duncan; neither will there be any, until settlers are afforded some protection against the Indians.

The country and soil between Fort Duncan and the mouth of Devil's river are represented by Captain Love as beautiful and rich beyond description, and watered by numerous streams flowing into the Rio Grande from both sides. The principal are the Escondido, or San Fernando, Elm, Morel, Las Moras, Pecan, San Filippi, Bear, and Turkey. The whole country is susceptible of irrigation; but, from a single visit, it of course could not be decided whether a scarcity of rain in that region would render this mode of watering the soil necessary. The lands are well timbered at intervals with live oak, pecan, mulberry, hackberry, ash, mezquite, &c. There are many fine mill-sites on the streams, and nearly all have excellent water-power. They abound with perch and the regular speckled trout of our northern mountain streams. The bear, antelope, deer, jaguar, ocelot, ounce, puma, catamount, wildcat, wolf, turkey, goose, duck, grouse, partridge, pigeon, squirrel, *chachalaca*, &c., &c., were found in great abundance. Captain Love says that he frequently saw herds of black-tail deer numbering two or three thousand. He also saw immense droves of wild horses and cattle. He describes this country as the finest in the world for grazing, and believes it capable of sustaining *almost any given number* of sheep and goats. From the mildness of the climate, sheep, in this region, and in fact along the whole valley of the Rio Grande to its mouth, require no sheds during the winter months; and it is also unnecessary to cut hay for them, as they can graze the entire year. The sheep along the valley of the Rio Grande seem to be free from the diseases so common at the north. From this fact, the small expense in taking care of them, and the first cost, (about fifty cents per head,) this will become a very lucrative business.

There is an extensive mine of bituminous coal, on the Texas side, about twelve miles above Fort Duncan.

The face of the country between the mouth of Devil's river and Babbitt's falls is generally mountainous and barren along the river, though portions of it back from the Rio Grande, between the Devil's river and the Puerco, are good for grazing or cultivation. A valley about ten miles wide, covered with fine mezquite grass, stretches for hundreds of miles between the Puerco and Rio Grande.

Captain Love saw no Indians during his expedition, but passed many places where they had recently been with large numbers of horses and mules, and saw numerous small fires at night in the mountains, probably indicating their presence.

About fifty miles below the mouth of the Puerco there is a large cave containing several rooms, with natural arches overhead, and capable of holding one thousand men. A narrow passage leading from it probably terminates on the other side of the mountain, as a strong current of air rushed through the entrance. A short distance above the cave there are thirteen natural towers about two thousand feet high and two hundred in diameter.

The "*Grand Indian crossing*" is one hundred and twenty-one miles above the mouth of the Puerco. This is the ford where the Comanche and other tribes of Indians pass the Rio Grande, when making their incursions into Mexico, and is the only crossing-place for more than four hundred miles, as the river from the mouth of Devil's river to Babbitt's falls (and probably a long distance above) is from twelve to eighteen feet deep. There are four feet of water at the crossing. The city of Chihuahua is only one hundred and fifty miles from this point. The road leading to the "crossing" runs along the valley between the Rio Grande and Puerco, mentioned above, is very wide, well beaten, and resembles a much-travelled thoroughfare. It runs up this valley some two hundred miles, when it crosses the Puerco and goes off into the Indian summer range. It can be seen from the mountains ten or fifteen miles, winding along the valley.

A garrison stationed at this point would enable us to prevent the passage of the Indians into Mexico, and materially aid in carrying out our treaty stipulations with that nation relative to this subject. It could be supplied with some difficulty by keel-boats.

The Indian appears to be the natural enemy of the Mexican, for he kills him whenever he can find him, and frequently for no possible reason. The Mexicans have such a dread of Indians that they never stand their fire, but run at the very first indication of their presence. The Indians have been very troublesome to the Mexicans for the last two years, and have appeared in large bodies as far south as Durango. The military commander of that place, about a year since, hired, at an extravagant compensation, a company of Americans, who were on their way to California, to fight a party of some two hundred who were in the neighborhood—this, at a time when there were a large garrison of regular troops in the city and several thousand citizens capable of bearing arms.

The establishment of another military post at the mouth of Devil's river, and one or two between it and Fort Duncan, (Eagle Pass,) would enable us not only more faithfully to perform our treaty stipulations with Mexico, but would cause that fertile country below the Devil's river to be settled

by a peaceful population, and the rich prairies whitened by the flocks of pioneer farmers from the old States.

I have the honor to be, general,
most respectfully, your obedient servant,

W. W. CHAPMAN,

Brevet Major and Assistant Quartermaster.
Major General T. S. Jesup,

Quartermaster General, Washington, D.C.

U.S. Indians on Mexican Frontier

1850

Senate Ex.Doc.44, 31st Congress, 1st Session.

31st CONGRESS,
1st Session.

[SENATE.]

Ex. Doc.
No. 44.

1850

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING

*A translation of a note from the Mexican minister in relation to the wild
Indians of the United States on the frontier of Mexico.*

APRIL 3, 1850.

Ordered to lie on the table, and be printed.

To the Senate of the United States:

I transmit the translation of a note, under date the 20th of last month, addressed to the Secretary of State by the minister of the Mexican republic accredited to this government, expressing the views of that government with reference to the control of the wild Indians of the United States on the frontier of Mexico, as stipulated for in the eleventh article of the treaty of Guadalupe Hidalgo.

Z. TAYLOR.

WASHINGTON, April 3, 1850.

[Translation.]

Mr. de la Rosa to Mr. Clayton.

MEXICAN LEGATION,
Washington, March 20, 1850.

The undersigned, envoy extraordinary and minister plenipotentiary of the Mexican republic, has the honor to address the Hon. John M. Clayton, Secretary of State of the United States, in order to inform him that he has carefully examined the documents which the honorable Secretary was pleased to transmit to him, with his confidential notes of the 4th and 5th instant, relative to the orders issued by the government of the United States for the fulfilment of the stipulations of the eleventh article of the treaty of Guadalupe Hidalgo. The government of Mexico, to which the undersigned has sent copies of those documents, will with great satisfaction see in them the desire and good faith of the government of the United States for the religious fulfilment of the obligations contracted by it towards Mexico in the said eleventh article of the treaty of peace, with the object of repressing the inroads which may be made upon that nation by the wild Indians now inhabiting the territories

ceded to the United States. The Mexican government will see with pleasure in those documents that the Department of War considers the engagements contracted by the United States in that eleventh article of the treaty of peace as an explicit sanction of the duties which humanity requires from all civilized nations; but it will at the same time see with regret that the efforts hitherto made by the government of the United States to prevent or punish the inroads of the savages upon the frontier States of that republic have been ineffectual, from the want of a military force sufficient to restrain and repress the Indians, and from the want, moreover, of funds to cover the great expenses rendered necessary by the said eleventh article of the treaty of Guadalupe Hidalgo. The undersigned is persuaded that the only advantage which can accrue to Mexico from the treaty which happily terminated the war between that republic and the United States, the only advantage which can compensate her for the many sacrifices which that peace rendered necessary on her part, is the exact fulfilment of all the obligations contracted by the United States towards Mexico in the said eleventh article of the treaty of Guadalupe Hidalgo. The undersigned believes that his first and principal duty, as a representative of Mexico in this country, consists in constantly requiring the most exact and punctual fulfilment of that article; and he therefore takes the liberty to request of the honorable Secretary of State to be pleased to obtain from the Congress of the Union all the laws and authority which he may consider requisite to enable the government of this republic to comply with good faith, as it has already endeavored to do, with the obligations of the eleventh article of the treaty of peace. In one of the documents accompanying the confidential notes from the honorable Secretary of State, mention is made of inroads committed on the territories of certain peaceful Indians belonging to the United States by volunteers in the service of the State of Chihuahua. The undersigned has received no notice of these acts; but he has communicated them to his government, and doubts not that it will adopt the necessary measures to have those persons punished, according to the laws, who have committed the excesses mentioned by an officer of the United States army in the letter addressed by him to the War Department, accompanying the confidential note from the honorable Secretary of State, dated on the 4th of the present month. The undersigned again calls the attention of the honorable Secretary of State to the necessity of putting an end to the atrocities of all kinds so frequently committed by the wild Indians residing in the territory of the United States on the inhabitants of the frontiers of Mexico. Among many other evils occasioned by these acts of atrocity, is that of their preventing the establishment and increase of those relations of amity and commerce between the people of the frontiers of Mexico and of the United States which would be so advantageous to both republics, and which would become so extensive, were not this obstacle interposed by the wild Indians to the advancement and civilization of those settlements.

The government of Mexico can give no greater proof of the confidence which it entertains in the honor and good faith of the government of the United States, than by its desire that a military force may be kept on the frontier, which it is well assured will not be employed in any other way than in repressing the wild Indians. Mexico, on her part, will continue, as she has hitherto, to use all her efforts for the repression of the tribes on

those frontiers. The undersigned has no doubt that the honorable Secretary of State will, as promptly as the interests of humanity require, take the necessary steps to obtain from the Congress of the United States the laws required for the execution of the eleventh article of the treaty of Guadalupe. The undersigned prays the honorable Secretary of State to be pleased to communicate the result of these measures to him, in order that he may make it known to his government.

The undersigned avails himself of this opportunity to repeat to the honorable Secretary of State the assurances of his most distinguished consideration.

LUIS DE LA ROSA.

Hon. J. M. CLAYTON, *Secretary, &c.*

LEASING OF INDIAN LANDS.

31

The CHAIRMAN. Have you ever tried the experiment of leasing land to the Indians themselves, so that all would be equally interested? Are they responsible enough to take leases themselves?

Commissioner JONES. They have no stock to occupy this land.

Senator JONES, of Arkansas. Is there not a good deal of this reservation not included in the proposed lease?

Commissioner JONES. Yes, sir.

Senator JONES, of Arkansas. So that if there are any Indians who want to graze cattle, there will be plenty of room for them to do so?

Commissioner JONES. Yes, sir.

Senator CLARK, of Montana. When are the bids to be opened in regard to the other reservation?

Commissioner JONES. On the 21st.

Senator CLARK, of Montana. Of this month?

Commissioner JONES. Yes, sir.

The CHAIRMAN. We will take up this matter again next week.

Commissioner JONES. I wish to say just one word for your information in regard to the development of that country. The Sioux Nation, when they surrendered their land, ceded to the United States about 9,000,000 acres of land surrounding these reservations. It is the white portion you see on the map. According to the last report received from the General Land Office only 87,000 acres had been sold out of the 9,000,000. It is still public land. So you see there is no great demand for throwing ~~up~~ this reservation. Personally I believe in throwing them open, but I say there is no such present demand in connection with the development of that State, because there are 9,000,000 acres adjoining and surrounding the reservation unoccupied.

The CHAIRMAN. We will resume this hearing next Thursday.

Thereupon (at 12 o'clock m.) the committee adjourned until Thursday, January 23, 1902, at 10 o'clock a. m.

WASHINGTON, D. C., *January 23, 1902.*

The committee met at 10 o'clock a. m.

Present: Senators Stewart (chairman), Platt, of Connecticut, Quarles, McCumber, Bard, Clapp, Gamble, Jones, of Arkansas, Rawlins, Harris, Dubois, and Clark, of Montana.

STATEMENT OF WILLIAM A. JONES.

Hon. William A. Jones, Commissioner of Indian Affairs, appeared before the committee.

The CHAIRMAN. I think we had better allow the Commissioner of Indian Affairs to conclude his statement. Since you made your previous statement, Mr. Commissioner, we have received a report from the Interior Department in answer to the general resolution, which asked

the Secretary of the Interior to send to the Senate what information he had in regard to the leases contemplated, etc., which is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1902.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate, dated the 7th instant:

Whereas it is reported that leases for large quantities of Indian reservations for mining, grazing, and other purposes are in contemplation: Therefore,
Resolved, That the Secretary of the Interior be directed to inform the Senate if such leases are in contemplation and the reasons therefor.

In response thereto I transmit herewith a copy of a report of the 16th instant, from the Commissioner of Indian Affairs, embodying the information, as shown by the records of his office, as called for by said resolution.

Some of the proposed leases referred to by the Commissioner have been forwarded to the Department for consideration, but no decision has yet been reached regarding the disposition of the same.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 16, 1902.

SIR: The office has the honor to acknowledge the receipt, by Department reference of the 9th instant, for consideration and early report, of a resolution of the Senate, dated the 7th instant, directing you to inform that body whether it is contemplated to lease large bodies of Indian-reservation lands for mining, grazing, and other purposes, and if such leases are contemplated, the reasons therefor.

Reporting upon the resolution, the office has to say that it is contemplated to lease certain Indian-reservation lands for mining and grazing purposes, as mentioned herein.

Respecting the reasons therefor, the office states that such action is authorized by Congress (act of February 28, 1891, 26 Stats., 794), and the leasing of such lands has been deemed wise and expedient. Section 3 of said act provides:

That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased, by authority of the council speaking for such Indians, for a period not to exceed five years for grazing or ten years for mining purposes, in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

It is fair to assume that in the passage of the act Congress had in view the best interests of the Indians as well as the people at large. The act seems to be in entire harmony with the uniform policy of Congress to encourage the development and utilization of all our general resources. For the past ten years this Department has been engaged in leasing Indian reservation lands to a more or less extent for mining and grazing purposes, under the provisions of the above act, for the benefit of the Indians occupying the respective reservations, with beneficial results. Almost without exception the revenues derived

from this source have been very helpful to the Indians. In view of said act of Congress it would seem to be a very unwise policy to let the annual growth of grass on the various Indian reservations go to waste, while the Indians needed the money that could be derived from this source in the maintenance of their families and in starting them upon the road to self-support. Without exception this office has found that the leasing of Indian lands has proven beneficial both to the Indians as well as to the lessees. Very large revenues have been derived from this source on some of the reservations in the Southwest.

The question of leasing the following Indian reservation lands for the respective purposes stated is under consideration, viz:

1. One mineral lease for the mining of mineral oil, coal, and other minerals for the period of ten years from and after the date of the approval thereof, by the Secretary of the Interior, covering certain lands on the Uintah Reservation, Utah, described as follows:

Beginning at the intersection of longitude one hundred and ten (110) degrees fifteen (15) minutes west and latitude forty (40) degrees twenty-six (26) minutes twenty (20) seconds north; thence north along longitude one hundred and ten (110) degrees fifteen (15) minutes to the intersection of latitude forty (40) degrees forty-five (45) minutes; thence west along latitude forty (40) degrees forty-five (45) minutes to the intersection of the northwestern line of the Uintah Reservation; thence along the western line of the Uintah Reservation to Mount Baldy; thence along the western line of the Uintah Reservation in a southerly direction to the intersection of latitude forty (40) degrees twenty-six (26) minutes and twenty (20) seconds; thence east to the intersection of longitude one hundred and ten (110) degrees fifteen (15) minutes to the place of beginning, to be selected by the said party of the first part as soon as practicable after the approval of this lease by the Secretary of the Interior, etc. (640 acres).

2. The western portion of the Standing Rock Reservation in the Dakotas, for grazing purposes, described as follows:

Commencing at the southwest corner of the reservation, running thence east on the boundary line between the Standing Rock and Cheyenne River Reservation to the range line between ranges 25 and 26; thence due north on said range line to the north boundary of South Dakota; thence due north to the township line between townships 130 and 131 in North Dakota; thence due west on said township line to the Cannon Ball (or Cedar) River; thence southwesterly along said river to the western boundary of the reservation; thence south along the west boundary of the reservation to the place of beginning, embracing an estimated area of 1,259,280 acres.

3. The western portion of the Cheyenne River Reservation, S. Dak., for grazing purposes, as follows:

That portion of the reservation lying west of range line between ranges 24 and 25, which said portion has been divided into four ranges of nearly equal areas.

District No. 1, to contain an estimated area of 291,840 acres.

District No. 2, to contain an estimated area of 368,640 acres.

District No. 3, to contain an estimated area of 368,640 acres.

District No. 4, to contain all available grazing lands of 368,640 acres.

4. The surplus grazing lands on the Kaw Reservation, Okla., for grazing purposes. For convenience these lands have heretofore been divided into 14 pastures. It is proposed to lease all except pasture No. 13, which has been reserved for the common use of the tribe, leaving an estimated area in the remaining pastures of 71,303 acres.

5. Osage Reservation, Okla. It is proposed to lease some 8 or 10 of the unleased pastures on said reservation for grazing purposes, said pastures containing an area of between 40,000 and 60,000 acres.

6. Reserved lands of the Kiowa, Comanche, and Apache Indians. It is proposed to lease about 460,000 out of the 480,000 acres of pasture lands reserved for the common use of said Indians.

7. Otoe and Missouri Reservation, Okla. It is proposed to lease about 3,721 acres of the unleased tribal lands of said reservation for grazing purposes.

These constitute all of the Indian reservation lands it is now proposed to lease.

Said resolution of the Senate is returned herewith. Copy of this report also inclosed.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner*.

The SECRETARY OF THE INTERIOR.

Now you have in this document only one mining lease said to be contemplated.

Commissioner JONES. Yes, sir.

The CHAIRMAN. The boundaries are a little vague. On page 2 of the document—

Senator QUARLES. Which document is that?

Senator McCUMBER. What is its number?

The CHAIRMAN. It is No. 135. The description of the lease is a little indefinite. I read from the report:

"One mineral lease for the mining of mineral oil, coal, and other minerals for the period of ten years from and after the date of the approval thereof by the Secretary of the Interior, covering certain lands on the Uintah Reservation, Utah, described as follows."

Senator QUARLES. Is that the Florence Mining Company lease?

Commissioner JONES. Yes, sir.

The CHAIRMAN. Does this refer to the lease or to the reservation in which the lease is located?

Commissioner JONES. That refers to the terms of the lease, the boundary proposed to be covered and is covered by the lease.

The CHAIRMAN. Then the lease covers all this boundary?

Commissioner JONES. No, sir.

The CHAIRMAN. Will you please pull down the map and tell us where it is and what is meant by it? It says, "beginning at the intersection of longitude one hundred and ten (110) degrees fifteen (15) minutes west, and latitude forty (40) degrees twenty-six (26) minutes twenty (20) seconds."

Commissioner JONES (examining map). I can not tell you exactly.

The CHAIRMAN. Tell us approximately.

Commissioner JONES. It is the northern portion of the reservation, in the mountains, but that does not give them the right to occupy all of that land. The lease states that they are to have 640 acres of land, but they have two years in which to locate the 640 acres.

The CHAIRMAN. The terms of the lease are not sufficiently set out here to determine what the boundaries are.

Commissioner JONES. There ought to be a copy of the lease accompanying the document.

The CHAIRMAN. There is no copy of the lease here.

Commissioner JONES. There ought to be a copy of the lease there.

The CHAIRMAN. That is what we expected. You have in parentheses, "(640 acres)." I do not know what that means.

Commissioner JONES. That is the amount of land they are entitled to.

The CHAIRMAN. That is the amount of land?

Commissioner JONES. Yes, sir; that is all they are entitled to.

The CHAIRMAN. Can you furnish us with a copy of the lease?

Commissioner JONES. I thought the Secretary had furnished you a copy. I sent over the papers to the Secretary complete and requested him to send them to the Senate.

The CHAIRMAN. I should like to have a copy of the lease.

Commissioner JONES. It will be supplied to the Senate, and I hope it will be published.

The CHAIRMAN. The lease is not now before the Senate?

Commissioner JONES. It was sent up yesterday, or it ought to have been. There is another batch, containing a copy of the lease and the incorporation papers of the Florence Mining Company and all the correspondence connected with it.

The CHAIRMAN. Those are in another batch of papers?

Commissioner JONES. Yes, sir.

The CHAIRMAN. I will be glad if you will furnish us a copy of the lease?

Commissioner JONES. I will do so.

The lease referred to is as follows:

MINING LEASE.

This indenture of lease in triplicate, made and entered into this 16th day of November, A. D. 1901, by and between the Uintah and White River Ute tribes of Indians (subject to the approval of the Secretary of the Interior), occupying and residing upon the Uintah Indian Reservation, in the State of Utah, party of the first part, and the Florence Mining Company, a corporation of the State of New Jersey, party of the second part:

Whereas said tribes of Indians have bought and paid for lands and are now occupying and residing upon the Uintah Indian Reservation, in the State of Utah, and

Whereas the lands hereinafter described are in part rough, mountainous lands presumed to contain mineral oil, coal and other minerals, and are not needed by said tribes for farming or agricultural purposes, and are not desired for individual allotments, and the said tribes desire to secure an income therefrom in the way of royalties for mineral oil, coal, and other minerals to be mined therefrom by the party of the second part, and

Whereas the said Indian tribes are authorized under the provisions of the third section of the act of Congress of February 28, 1891 (26 Stats. at Large, page 795), and as amended by act of Congress August 15, 1894, to lease for mining purposes for the period herein named; and this lease is made by authority of the principal chiefs and council speaking for said Indians, pursuant to a resolution of Indians in council, minutes of which are hereto attached and made a part of this agreement; and the truth of the foregoing recitals appearing to the Indian agent at said Indian agency, and the quantities and terms and conditions of this lease being recommended by the said Indian agent in charge of said reservation, as is evidenced by his approval hereof:

Now, therefore, this indenture witnesseth:

1. That the said party of the first part, for and in consideration of the sum of one dollar (\$1.00) in hand paid to them by the said party of the second part, the receipt whereof is hereby acknowledged, and in further consideration of the premises and of the prospecting and mining to be done, and of the rents and royalties to be paid as hereinafter specified, and of the covenants, stipulations, and conditions hereinafter contained and hereby agreed to be kept and performed by the said party of the second part, its successors and assigns, does, by these presents lease and grant unto the said party of the second part, for the period of ten years from and after the date of the approval hereof, by the Secretary of the Interior, for the purpose of mining mineral oil, coal, and other minerals, the following described portions of the said reservation, namely:

All of the land when the Government survey is extended which will comprise all of the following-described land:

On that land known as the treaty part of said Uintah Reservation as follows:

640 acres or one square mile of land in that part of the Uintah Reservation known as the "Uintah Mountains," Wasatch County, Utah, and more particularly described as follows:

Beginning at the intersection of longitude one hundred and ten (110) degrees fifteen (15) minutes west and latitude forty (40) degrees twenty-six (26) minutes twenty (20) seconds north, thence north along longitude one hundred and ten (110) degrees fifteen (15) minutes to the intersection of latitude forty (40) degrees forty-five (45) minutes, thence west along latitude forty (40) degrees forty-five (45) minutes to the intersection of the northwestern line of the Uintah Reservation, thence along the western line of the Uintah Reservation to Mount Baldy, thence along the western line of the Uintah Reservation in a southerly direction to the intersection of latitude forty (40) degrees twenty-six (26) minutes and twenty (20) seconds, thence east to the intersection of longitude one hundred and ten (110) degrees fifteen (15) minutes to the place of beginning, to be selected by the said party of the first part as soon as practical after the approval of this lease by the Secretary of the Interior, together with all mines and deposits of mineral oil, coal, and other minerals, in or upon the lands definitely located as herein provided, with the right to carry the same away and sell and dispose thereof for profit; and the party of the second part, its successors, and assigns, shall have and are hereby granted the right, during the period of two years, to enter upon and thoroughly prospect and locate mines or deposits of mineral oil, coal, and other minerals, upon that part of said reservation generally described above; and there is further granted to said party of the second part the right to mine, market, and sell all mineral oil, coal, and other minerals upon the lands definitely located as herein provided, and may use so much of the surface of said lands and so much of the timber and building stone found thereon as may be necessary with which to construct all buildings, dwellings, or other improvements upon said lands that may be required in mining said mineral oil, coal, or other minerals and successfully conducting said prospecting and mining operations; and the said party of the second part, its successors, and assigns, shall also have, and are hereby granted the right of way through, across, and upon said lands generally described above, for the purpose of ingress and egress to mines, and for transporting mineral oil, coal, and other minerals and supplies; and said party of the second part, its successors, and assigns, shall have, and are hereby granted, the right to use the water found in and upon said reservation necessary in and about its said business and for domestic uses, and may convey the same by exposed pipes and open ditches or in such other manner as the second party, its successors, and assigns, may determine in, upon, and over the lands of said first party, whether the said water is obtained on the said reservation or not. Provided, however, and it is expressly understood by all parties thereto, that at the expiration of two years, during which time prospecting may be done, this lease shall cover, relate to, and include only such lands as may be embraced within, and covered by, the approved maps and plats showing the discovery of said mineral oil, coal, and other mineral deposits; as to the other lands within the general limits described in this article, the party of the second part, its successors, and assigns, shall have the privilege of using so much of the timber and stone found

thereon as may be necessary with which to construct all buildings, dwellings, or other improvements upon said lands that may be required in mining said mineral oil, coal, and other minerals, and successfully conducting said mining operations, and also the right of way through, across, and upon said lands for the purpose of said mining operations; and also the further privilege of using water found in and upon said reservation, in and about said mining operations and for domestic uses, and may convey the same by exposed pipes and open ditches in, upon, and over said reservation, whether said water is obtained on same or not.

2. The party of the second part shall, within a reasonable time and without unnecessary delay, file with the Secretary of the Interior, to be subject to his approval, a map or plat showing definitely the lands to which the said lease is intended to apply, describing the same by properly designated and fixed boundaries to be defined by proper survey. Said parties of the second part shall file with the Secretary of the Interior, subject to his approval, maps and plats showing all discoveries of mineral oil, coal, and other minerals within three months after said discoveries are made, and immediately upon filing and approval of such maps, plat, or plats, the said party of the second part, its successors or assigns, shall proceed to develop, mine, and work the mineral oil, coal, and other mineral deposits herein described forthwith, and prosecute the same with diligence; and said party of the second part, its successors or assigns, shall likewise file with the Secretary of the Interior quarterly reports of all prospecting done and discoveries made; also quarterly reports of the gross output of all its mining operations under this lease; all such maps and reports shall be verified by the oath of said party of the second part.

3. The party of the second part, its successors or assigns, for and in consideration of the privileges of prospecting and mining upon said described lands, for the period of time stated, hereby covenant and agree to pay, or cause to be paid, in lawful money of the United States, to the Secretary of the Interior, or such party or parties as he may designate, to be placed to the credit of the said party of the first part, and to be paid to or expended for them as the Secretary of the Interior may direct, the following rents and royalties, namely:

A sum equal to five per cent of the market value at the place mined of any and of all minerals, these payments to be in full satisfaction of all demands against said party of the second part for said period.

Such payments or royalties shall be made every three months during the continuance of this lease for all mineral oil, coal, and other mineral mined or removed from said land during the three months last preceding, and such payments shall be received in full of all royalties and demands whatsoever on the part of the party of the first part against the party of the second part, its successors or assigns, for the period of time herein covered.

4. It is further covenanted and agreed that the party of the second part, its successors and assigns, that they will open and operate said mines and deposits of mineral oil, coal and other minerals, and cause the same to be worked and mined in a workmanlike manner and to the fullest practicable extent; that they will protect all mines and will not commit or suffer any waste upon said lands or upon the mines thereof; that they will take good care thereof and surrender and return the said premises at the expiration of this lease to the party of the first part in as good condition as when received, excepting the removal of the mineral oil, coal and other minerals as herein provided, and the

ordinary wear, tear, and unavoidable accidents in the proper use of the same for the purposes hereinbefore indicated; that they will not permit any nuisance to be maintained upon the premises, nor allow any intoxicating liquors to be sold or given away to be used as a beverage on the premises; that they will not use or permit the use of said premises, or any part thereof, for any other purpose than that authorized by this lease.

5. It is further covenanted and agreed that the second party, its successors and assigns, shall keep an accurate account of said mining operations, showing the whole amount of mineral oil, coal and other minerals mined or removed; and the Indian agent in charge of said reservation, or any other agent or agents appointed by the Secretary of the Interior, shall have the right at all times during the existence of this lease, on behalf of the party of the first part, to make such reasonable examination of all books of account and mines as may be necessary to obtain all proper information desired regarding the amount of product mined or removed from said lands under lease, and there shall be and there is hereby created a lien on all implements, tools, movable machinery, and other personal chattels, belonging to the party of the second part, its successors or assigns, used in the said prospecting and mining operations, and upon all mineral oil, coal and other minerals obtained from land herein leased, as security for the quarterly payment of said royalties and rents.

6. It is further covenanted and agreed that no location under this lease shall obstruct or interfere with any highway, road, or trail now in use, without special permission from the Secretary of the Interior; and the right of way across and over the lands which shall be included within the surveys and definite locations herein provided for is to be reserved to the party of the first part, the use thereof, however, to be consistent and not to interfere with the mining operations of the said party of the second part, its successors or assigns.

In its operations under this lease said party of the second part, its successors or assigns, shall in nowise interfere with any personal or property rights of any character whatsoever now existing in, or that may be hereafter acquired by any individual Indian, without first obtaining in writing of such Indian, and the payment of proper compensation, to be approved by the Secretary of the Interior; and no right or privilege herein granted shall be extended, exercised, used, or operated to the impairment, injury, or prejudice of any legitimate industry, business, or occupation of said Indians, as a tribe or as individuals.

7. It is further stipulated and agreed that where Indians upon said reservation are qualified and willing to perform the character of labor required in carrying on the mining operations named the party of the second part, its successors or assigns, will accord them a preference in selecting their employes so far as it may be practicable to do so.

8. All rights are reserved to the United States and to the Indians on said reservation to make and accept allotments in severalty for the benefit of said Indians at any time in the future of such lands within the boundaries of this lease as may at any time be deemed by the Secretary of the Interior suitable for agricultural purposes.

9. This lease and all rights and privileges thereunder are made and accepted by the party of the second part, its successors or assigns, subject to existing law or laws and any law or laws hereafter enacted pertaining to the said reservation.

10. In no event shall the United States or the Secretary of the

Interior, in his official or personal capacity, be liable in damages or otherwise under the provisions of this lease in connection therewith.

11. No Member of or Delegate to Congress, officer, agent, or employé of the Government shall at any time be admitted to share in this lease or in anywise derive any benefit therefrom.

12. In the event of the extinguishment, with the consent of the Indians, of the Indian title to the lands covered by this lease, then and thereupon this lease and all rights thereunder shall terminate.

13. In the event of any omission, neglect, or failure of the party of the second part, its successors or assigns, to faithfully observe and perform any of its obligations arising upon and under the provisions of the lease, the Secretary of the Interior may, without prejudice to any other lawful remedy or remedies, treat the same as a sufficient cause for the forfeiture, abrogation, or termination of this lease by him, unless within sixty days after notice thereof from the Secretary of the Interior the party of the second part, its successors or assigns, shall not fully correct such omissions, neglect, or failure, and make good any loss or injury occasioned thereby, or if thereafter such omission, neglect, or failure of the party of the second part, its successors or assigns, shall be repeated, then at any time within sixty days thereafter the Secretary of the Interior may at his option declare this lease forfeited, abrogated, or terminated. Then, and in that case, the party of the second part, its successors or assigns, shall wholly vacate the leased premises within thirty days after notice thereof, and upon failure of the party of the second part, its successors or assigns, to vacate said premises the Secretary of the Interior shall have the right, on behalf of the Indians, to reenter the same and take possession thereof, using such force as may be deemed necessary to dispossess and remove therefrom the said party of the second part, its successors or assigns; and it is agreed and understood that any property of the said party of the second part, its successors or assigns, located on said premises at the time of the forfeiture, abrogation, or termination of this lease may be removed therefrom by the party of the second part, its successors or assigns, within such reasonable time as may be fixed by the Secretary of the Interior, not to exceed six months from the forfeiture, abrogation, or termination of this lease, and any property of the party of the second part, its successors or assigns, remaining upon said premises after the expiration of the time so fixed for its removal, shall become the property of the said party of the first part, and may be treated as such by the Secretary of the Interior.

Provided, however, That the party of the second part, its successors or assigns, shall have six months after the expiration of this lease in which to remove the buildings, machinery, and other property from said lands, without hindrance by the party of the first part, if the party of the second part, its successors or assigns, have performed all the covenants and conditions imposed upon them by this lease.

14. The party of the second part shall execute and file, in the Department of the Interior, its bond in the sum of \$10,000 with sufficient sureties, to be approved by the Secretary of the Interior, conditioned for the faithful performance by the party of the second part, its successors or assigns, of all its duties and obligations under this lease.

15. It is further mutually covenanted and agreed that the Secretary of the Interior be, and he hereby is, authorized and empowered to make such additions to this lease as in his judgment may not impair the rights and privileges in the matter of the party of the first part.

16. It is further mutually covenanted and agreed that the agree-

ments, stipulations, covenants and conditions in this lease set forth shall extend to and be binding and obligating upon the grantees, assigns, and successors of each of the parties hereto.

In witness whereof the said parties have hereunto set their hands and seals this day and year first above written.

TABBY (his x mark).	[SEAL.]
TIM JOHNSON (his x mark).	[SEAL.]
SOSONOCKET (his x mark).	[SEAL.]
JOHN DUNCAN (his x mark).	[SEAL.]
BIG TOM (his x mark).	[SEAL.]
DAVID COPPERFIELD (his x mark).	[SEAL.]
THE FLORENCE MINING COMPANY,	[SEAL.]
By GEO. F. TIMMS and	
HENRY C. HENDERSON,	
<i>Attorneys in Fact.</i>	
MARTIN VAN (his x mark).	[SEAL.]

ACKNOWLEDGMENT.

I, Verney Mack, interpreter at the Uintah Agency for the Uintah and White River tribes of Indians, do hereby certify that on this 16th of November, A. D. 1901, the foregoing lease was agreed upon by a delegation of the tribes appointed at a council of said Indians, held at the Uintah Agency, Utah, on the 16th day of November, A. D. 1901, and that said lease was carefully interpreted by me to said Indians who composed said delegation and was fully understood by them and each of them.

VERNEY MACK, *Interpreter.*

(Interpreter chosen by the Indians and approved by the agent).

On this 16th day of November, A. D. 1901, personally appeared before me, H. P. Myton, United States Indian agent, the above-named members of the Uintah and White River tribes of Indians, viz, Tabby, Tim Johnson, Sosonocket, John Duncan, Big Tom, and David Copperfield and Martin Van, whose names and signatures are affixed to said lease, parties of the first part, and the Florence Mining Company, by George F. Timms and Henry C. Henderson, attorneys in fact, party of the second part, and acknowledged the signing and sealing of the said indenture of lease to be their free act and deed.

H. P. MYTON,
U. S. Indian Agent.

I, H. P. Myton, United States Indian agent at the Uintah Agency, Utah, do hereby certify on honor that the above-named lessors, parties of the first part to the foregoing indenture of lease, made the 16th day of November, A. D. 1901, with said party of the second part, are the proper representatives of their tribe, and authorized by council duly called to execute the same.

I further certify on honor that said land is not needed by the said Indians for farming and agricultural purposes, and is not desired for individual allotments; that the terms and conditions of said lease are advantageous, and are for the best interest of said Indians, and I, therefore, recommend the same for approval.

I further certify on honor that I have satisfied myself that the general character of said tracts of land is such as invites exploration and prospecting. I have also secured the testimony of J. T. McConnell

and John McAndrews, credible disinterested persons, fully competent to judge as to the character and quality of said land, and I am satisfied therefrom that it would be to the manifest advantage of the tribe of Indians to authorize the lease, and that the land can be occupied, used, and improved more advantageously and profitably for the purposes named in the lease than for any other purpose, and I consider the said terms agreed upon to be a full, fair, just, and reasonable rental for said premises, and most desirable, if obtainable.

I further certify on honor, of my personal knowledge, that outside the land embraced in the said lease the said Indians possess sufficient land, and that I believe the proposed lessee is well disposed to the good order and happiness of the Indians, and, in my judgment, the presence of the said lessee will be beneficial to the Indians.

I further certify on honor that the contents, purport, and effect of the lease were explained to and fully understood by the delegation who executed the same for the lessors, and that said lease was signed and sealed in my presence and in every respect free from fraud or deception, and that I am in no respect interested in the said lease.

H. P. MYTON,
U. S. Indian Agent.

MINUTES.

(To be signed by chairman with witness to signature.)

Minutes of the proceedings of the council of the Uintah and White River tribes of Indians, held at the Uintah Agency on the 16th day of November, A. D. 1901.

Pursuant to notice, a meeting of the council of the Uintah and White River tribes of Indians was held. The meeting was called to order, and Charley Mack was elected chairman and John Reed was elected secretary.

The object of the meeting was fully stated and explained to the Indians by the interpreter. The proposed lease was read and explained to them by their interpreter. Each section was fully understood, and every part connected with said lease as proposed. Whereupon the following resolution was offered, and, after full explanation and discussion, was unanimously adopted:

Resolved, That having full confidence in the integrity and ability of Tim Johnson, Tabby, Sosonocket, John Duncan, Big Tom, David Copperfield, and Martin Van, they are authorized and directed to at once take such steps as may be necessary and proper in the premises to lease to The Florence Mining Company 640 acres of mineral, oil, coal, and other minerals in that part of the Uintah Reservation known as the Uintah Mountains, and which is more fully described in the lease, which lease is to be for the term of ten (10) years, as proposed by The Florence Mining Company, and the royalty is to be five per cent of the market value of any and all minerals at the place mined.

On motion, the council adjourned.

CHARLEY MACK,
Chairman.

Witness:

DAVID S. MILLER.
J. T. MCCONNELL.

CERTIFICATE.

I, John Reed, secretary of the council of the meeting of the Uintah and White River tribes of Indians, in council assembled, do hereby certify that the foregoing is a true copy of the minutes of the meeting of the tribes held at the Uintah Agency, Utah, on the 16th day of November, A. D. 1901, and is a correct record of the proceedings thereof.

JOHN REED, *Secretary*.

CERTIFICATE.

I, Verney Mack, interpreter for the Uintah and White River tribes of Indians, do hereby certify that I was present at the council of the tribes held at Uintah Agency, Utah, on the 16th day of November, A. D. 1901, and that I correctly interpreted all matters and questions made at said meeting, and also the resolution set out in the foregoing copy of the minutes and record of said meeting; and I further certify that each and all of said Indians fully understood the purport, meaning, and effect of said resolution and the questions voted upon and that I witnessed the signatures attached thereto.

VERNEY MACK, *Interpreter*.

CERTIFICATE.

We hereby certify that we have witnessed the signatures to the foregoing indenture of lease and that we have no interest therein.

H. P. MYTON, *Agent*.

DAVID S. MILLER, *Clerk*.

CERTIFICATE.

I, H. P. Myton, United States Indian agent of the Uintah and White River tribes of Indians at the Uintah Agency in Utah, do hereby certify that I was present at the council meeting of said tribes held at the Uintah Agency on the 16th day of November, A. D. 1901, and that the foregoing copy of the minutes contains a correct record of the proceedings of said council.

H. P. MYTON,
U. S. Indian Agent.

The CHAIRMAN. What mineral leases have been made besides this one?

Commissioner JONES. There is a mineral lease on the Navaho Reservation for the same amount of land, 640 acres.

The CHAIRMAN. Can they float that for a time?

Commissioner JONES. Yes, sir; the conditions are exactly the same.

The CHAIRMAN. They have time to float it?

Commissioner JONES. Yes, sir.

Senator JONES, of Arkansas. What are the terms of those leases; what do the companies pay?

Commissioner JONES. I do not remember what the Navaho lease provides shall be paid, but the Florence Mining Company is to pay 5 per cent on the product at the place of mining.

The CHAIRMAN. I have looked into the law in regard to this, and I do not find that the Attorney-General has ever rendered any opinion; but the Assistant Attorney-General has.

Commissioner JONES. Yes; he is the officer of the Department to whom such matters are referred.

The CHAIRMAN. You meant by the Attorney-General the Assistant Attorney-General in your Department?

Commissioner JONES. Yes, sir.

The CHAIRMAN. The present assistant predicates his ruling on the previous rulings of the Department—

Senator JONES, of Arkansas. Who is that?

The CHAIRMAN. Mr. Van Devanter. The present Assistant Attorney-General refers to the former rulings and professes to be governed by them. In a case in the supreme court of Utah a question arose in regard to a grazing lease, where a mere intruder was a party, and the supreme court held that the grazing lease was good and was authorized. The court quoted the Department. Then the Department turns around and quotes the decision of the court to sustain it. Originally I do not find any judicial investigation or authoritative decision for the start, but they started, and then all of them followed precedent. I am unable to find, and I should like to have anybody find it if he can, any intimation that the diminution of the reservation gives a different title to the remainder from what the Indian title is all over the country, outside of the Indian Territory. The Supreme Court, in decisions continuously for more than a hundred years, have held that it was only possessory title.

Senator QUARLES. I should like to be permitted to ask the Commissioner a question.

The CHAIRMAN. In one moment. The only thing I find this based on is a ruling of some person in the Department, some ten or eleven years ago, and all the balance is based upon that without any original reasoning to support it.

Now, what safeguards have you when persons go in there to negotiate with the Indians? How can you protect the Indians, even, or the public under the system you have? Does the system work well?

Commissioner JONES. Well, I do not know what you mean by that. There is the same protection that we have in any lease.

The CHAIRMAN. I mean in any of the leases.

Commissioner JONES. They enter into an agreement and furnish a large bond that they will faithfully carry out the terms of the lease.

Now, as to the statements you make in regard to the opinion of the Assistant Attorney-General, I do not know that I understand you.

The CHAIRMAN. I say the present Assistant Attorney-General predicates his opinion upon the previous ruling of the Department.

Commissioner JONES. Allow me to explain about the method of the Department in such matters. The question arose as to whether the Uintah Indians had a right to lease their lands. It is conceded that Indians living on Executive order reservations have no right to lease their lands, and the question was submitted to the Assistant Attorney-General as to whether the Uintah Indians had the right to lease their lands or not. That was submitted to him, and his decision—

The CHAIRMAN. I have read of his decision.

Commissioner JONES. He decided they had the right to lease.

The CHAIRMAN. Under the rules of the Department. That was the construction the Department had given—

Senator QUARLES. There is an express statute on the subject.

Commissioner JONES. I am not discussing that with you, because I am not a lawyer. But our action was based upon the ruling of the Assistant Attorney-General that the Indians had a right to lease. The Indians wanted to lease, and they were permitted to enter into the lease, and that is all the Department had to do with it.

Senator QUARLES. I should like to ask the Commissioner one question when you are through, Mr. Chairman.

The CHAIRMAN. All right.

Senator QUARLES. Several suggestions have been made about this feature of the lease which allows a certain time for the location of mineral sites. I should like the committee to know and to be informed myself whether a person seeking a lease on a reservation for mineral purposes has any right, before the granting of the lease, to go in to prospect and find out where the mineral lies?

Commissioner JONES. No, sir; not without permission from the Interior Department.

Senator QUARLES. Do you know of any other way than that by which such permission can be granted?

Commissioner JONES. No, sir.

Senator QUARLES. Except the way embodied in these leases?

Commissioner JONES. No, sir.

Senator QUARLES. I did not know about that.

Commissioner JONES. If persons were to go upon a reservation without the permit, they would be intruders and would be put off.

The CHAIRMAN. Then the permit gives them a special privilege?

Commissioner JONES. It gives them a special privilege to go on the reservation.

Senator QUARLES. And prospect?

Commissioner JONES. No, sir; the permit does not permit them to prospect.

The CHAIRMAN. Does it permit them to prospect and find out where they wish to locate?

Commissioner JONES. The permit given by the Interior Department simply gives them the right to go on the reservation to negotiate with the Indians. That is all the permit contemplates. When they go in for that purpose, the Indians give them the right to prospect for two years, and at the end of two years to make their location. But the Department does not give them the right to prospect for two years.

Senator McCUMBER. Suppose the Indians should not give them the right to prospect after you have given them the right to go on the reservation?

Commissioner JONES. That ends it.

Senator McCUMBER. In other words, it still has to be passed on by the Indians?

Commissioner JONES. Yes, sir.

Senator JONES, of Arkansas. How do they pass on it?

Commissioner JONES. In council.

Senator JONES, of Arkansas. Is there any record kept of the council meetings?

Commissioner JONES. Yes, sir; and it is attached to the lease.

If you will excuse me, Mr. Chairman, would it not be well to dispose of the grazing lease on which we started? I am willing to answer any questions.

Senator QUARLES. I think it would be better, Mr. Chairman, if you feel that way, to get the facts before the committee, and then we will argue the law or get at the law afterwards. The Commissioner can not help us about that.

STANDING ROCK AGENCY.

The CHAIRMAN. Mr. Commissioner, with respect to the Standing Rock Agency the parties who made the objections have not been here.

We have not heard anything from them. You had better conclude your statement in regard to the Standing Rock matter.

Commissioner JONES. I have no further statement to make unless the committee have some questions to ask.

Senator JONES, of Arkansas. There is a delegation of Sioux Indians here who wish to be heard.

Senator McCUMBER. I should like to ask the Commissioner a question for my own information. I have letters from North Dakota protesting against these leases, unless the reservation is fenced or the entire portion, I suppose, that these persons are to occupy. In reference to that, the writers suggest that the stock of these persons who come there and make leases are not only kept on the reservation, but they go elsewhere; that they go out and mix with the stock of the ranchmen who are on the border of the reservation. They further represent that while, when the cattle are inside, they can not take their cattle from the others until the time for driving in in the fall, at the same time the other persons can go among their stock at any time during the season if they let the whole herd outside of the reservation, and disturb them and take their stock from them and compel the owners to be rounding them up continuously. That is the complaint which comes to me, and I should like to have such information as the Commissioner can give on this subject.

Commissioner JONES. One of the terms of the lease provides that the tract to be leased must be fenced at the expense of the lessee.

Senator JONES, of Arkansas. Is that an absolute provision?

Commissioner JONES. Yes, sir.

Senator HARRIS. The question of posts and timber and all that was discussed here the other day.

Senator CLAPP. We went all over it the other day.

Senator McCUMBER. That is why I did not quite understand these complaints.

Commissioner JONES. They are to fence with a three-barb wire fence.

Senator JONES, of Arkansas. I have a letter from somebody out there who understands that the lessees can fence the land or not, as they please.

Senator QUARLES. As the lease was read here the other day, it is explicit.

Senator JONES, of Arkansas. Absolute.

Senator QUARLES. Absolute.

Commissioner JONES. According to the terms of the lease, the lessees can not put a single head on there until they have fenced the land. There is no question about that.

Senator QUARLES. That was my understanding.

The CHAIRMAN. You did not leave us a copy of the lease, although you read it.

Senator GAMBLE. I think it is printed in the report of the hearing.

Senator JONES, of Arkansas. It was read before the committee, and I suppose it is in the report.

Commissioner JONES. I will furnish you a copy of the lease.

The lease referred to is as follows:

GRAZING LEASE OF TRIBAL LANDS.

This indenture of lease, in triplicate, made and entered into by and between George H. Bingenheimer, United States Indian agent of the Standing Rock Agency, party of the first part, for and on behalf of the Sioux tribe of Indians, occupying and residing upon the said Standing

Rock Reservation, under and pursuant to the action of the council of the tribe, speaking for the tribe, duly authorizing the leasing of the portion of the reservation hereinafter described, which is not now needed for farming or agricultural purposes and is not desired for individual allotments, for the period of five years from the first day of June, 1902, to the thirty-first day of May, 1907, duly empowering the said George H. Bingenheimer to make and execute a lease of the same for and on behalf of the tribe, as per resolution of the Standing Rock council, hereto attached and made a part of this agreement, and in accordance with the provisions of section 3 of the act of Congress approved February 28, 1891 (26 Stats., 794), as amended by the act of Congress of August 15, 1894 (28 Stats., 305), and George Edward Lemmon, party of the second part,

Witnesseth: That the said party of the first part, for and in consideration of the payments to be made by the said party of the second part, as herein agreed and stipulated, and the execution of a legal bond, with two or more good and sufficient sureties, in an amount equal to the entire consideration herein agreed upon, conditioned upon the faithful performance hereof, and by authority of the said council proceedings and the said acts of Congress above mentioned, and subject also to the approval of the Secretary of the Interior, does by these presents lease and grant unto the said party of the second part for the period of five years from the first day of June, 1902, to the thirty-first day of May, 1907, for the purpose of grazing cattle only, the following-described portion of said reservation, namely:

Commencing at the southwest corner of the reservation; thence east along the boundary line between the Standing Rock and Cheyenne River reservations about nineteen miles to the range line between ranges twenty and twenty-one; thence north on said range line about twenty-four miles to the township line between townships twenty-one and twenty-two; thence east on said township line about thirty miles to the range line between ranges twenty-five and twenty-six; thence north on said range line to the north boundary of South Dakota; thence due north to the township line between townships one hundred and thirty and one hundred and thirty-one in North Dakota; thence west on said township line to the Cannon Ball (or Cedar) River; thence in a westerly and southwesterly direction along said river to the northwest corner of the reservation; thence south along the west boundary of the reservation to the place of beginning, containing an estimated area of 788,480 acres, more or less. It is understood and agreed that this estimated area is subject to revision at the option of the Commissioner of Indian Affairs by a survey of the northern boundary formed by the Cannon Ball (or Cedar) River. It is also agreed and understood that the number of cattle or horses to be held upon said range at any one time shall not exceed the general average of one head for each forty acres. It is also expressly agreed by the party of the second part that each Indian family residing within the leased district shall be permitted to hold within said district, in the vicinity of their respective homes, free of rent, cattle and horses which they actually own to an extent not exceeding one hundred head; also, that any of said Indian families who own more than one hundred head of horses or cattle, and who elect to permit such excess to remain within the leased area, shall not be charged more than one dollar and twenty cents per head per annum for such excess.

Said party of the second part also expressly agrees to fence said range, during the first year of the term, with a good, substantial,

cattle-proof three-wire (barbed wire) fence, posts two rods apart, with a substantial stay between the posts; in case posts are obtained from the holding of an individual Indian he shall be paid a full and fair compensation therefor; the said fence to be kept in good repair during the term and to revert to the Indians and become their absolute property at the termination of this lease. Lessee will have an option of the amount of fence he will build along the South Fork of Cannon Ball River.

And the said party of the second part, for and in consideration of the privilege of holding and grazing cattle upon the lands hereinbefore described, for the period of time herein stated, hereby covenants and agrees to pay the United States Indian agent of said tribe, at the Standing Rock Agency, the sum of twenty-four thousand and forty-eight and 64/100 dollars (\$24,048.64) per annum, the same being at the estimated rate of thirty and one-half mills per acre for the number of acres above described, said sum to be paid in lawful money of the United States in equal semiannual payments, to wit, on the first day of June, 1902, and on the first day of December, 1902, and on the same dates for each year during the term of this lease.

Provided always, And it is further covenanted and agreed between the said parties hereto that if any payment, or any part thereof, shall remain unpaid after the expiration of thirty days after the same shall have become due, as hereinbefore stipulated, or if the said party of the second part shall cut timber from said above-described lands, or otherwise commit waste thereon, then and from thenceforth it may be lawful, and it is agreed that the Commissioner of Indian Affairs may declare this lease to be forfeited and annulled, and from and after such declaration the same shall be null and void and of no effect, and it shall be the duty of the said Commissioner of Indian Affairs to cause the said party of the second part to be removed from said reservation lands above described, with all stock and other appurtenances belonging to said party of the second part which may be thereon, without liability to the United States or of any officer of the United States for any loss or damage that may be caused by such removal. It is also expressly agreed between the parties hereto that the lands covered by this lease, nor any part thereof, shall be subleased or sublet in any manner whatever without the written consent of the council speaking for the tribe and the approval thereof by the Secretary of the Interior, and that any violation of this provision shall *ipso facto* work a forfeiture of the lease.

And it is further agreed between the parties hereto that the privilege of holding cattle upon the lands herein described for the period of time herein specified is permitted and agreed to upon the express condition that if the Indian title to any portion of the lands herein described shall be extinguished before the expiration of the time herein stated, then and in that event this lease shall be of no force and effect from the date of such extinguishment of title, and all cattle upon said lands shall be subject to immediate removal therefrom. And in case of the allotment of lands in severalty, it is agreed and understood that this lease shall be void as to the lands so allotted: *Provided,* That in the event of removal for such causes the grazing rates herein stipulated shall only be required to be paid *pro rata* for the time said lands shall be occupied under this agreement.

It is also expressly agreed that all allotments of land in severalty and all farms, gardens, and other improved holdings of individual Indians shall at all times be kept free from damage or interference by the stock and employees of the said party of the second part; and it is

agreed and understood that any violation of these provisions shall render the lease void, and shall subject the lessee and his stock to immediate removal from the reservation. It is also expressly agreed by the lessee that all fences and other improvements which he shall place upon the lands covered by this lease shall remain upon the lands at the expiration of the lease and shall become the absolute property of the Indians.

And it is further provided and agreed by and between the parties hereto that the right to bring, hold, or graze cattle under this lease, on the above-described lands, shall at all times be subject to any quarantine restrictions, regulations, and conditions established or that may be established by the Department of Agriculture, and made applicable to the district of country in which the lands to be leased lie.

And the said party of the second part further agrees that at the expiration of this lease he will surrender the possession of the above-described lands to said tribe of Indians in as good condition as when received, ordinary wear and tear for the uses herein mentioned alone excepted.

And it is further provided and agreed between the parties that no Member of or Delegate to Congress shall be admitted to any share or part in this grazing lease, or derive any benefit to arise therefrom; and also that this indenture shall be subject to the approval of the Secretary of the Interior.

Signed and sealed this 27th day of January, 1902.

GEORGE A. BINGENHEIMER, [SEAL.]
U. S. Indian Agent, Standing Rock Agency.

GEORGE EDWARD LEMMON, [SEAL.]
_____, [SEAL.]

Witnesses:

CHAS. N. VANCE.
G. A. BINGENHEIMER.
J. C. SLATER.
M. WOODVILLE.
_____,
_____.

Copy of council proceedings.

We, the undersigned, Indians of Standing Rock Reservation, North Dakota, over eighteen years of age, hereby consent to the leasing for a period not to exceed five years for the purpose of grazing cattle thereon, at a rate of not less than one (\$1.00) dollar per head per annum for each and every head of cattle so introduced and grazed upon said reservation, the unoccupied portions of said Standing Rock Reservation, the consent hereby given to be subject in each and every instance to the following conditions:

The tract of land assigned under each permit, contract, or lease must be properly fenced, the cost of such fencing to be paid from the rental which may be due for the first year. At the expiration of such permit, contract, or lease said fencing shall be and remain the property of the Indians of this reservation, and during the term that cattle are so held upon this reservation such fences must be kept in a proper state of repair at the expense of the owner of the stock.

All persons so introducing and grazing stock will be required to exercise all possible care and diligence to prevent depredations by their

cattle upon the leaseholds of other stockmen or upon lands occupied by Indians of this reservation, and in the event of the appearance of any contagious disease among their herds, every possible step must be taken to prevent the spread of and to stamp out such disease.

Here follow the signatures of 771 Indians.

Also certificate of the interpreter, certificate of the witnesses, and certificate of the United States Indian agent.

I, George H. Bingenheimer, United States Indian agent for the Standing Rock Agency, hereby certify that the above is a true copy of the council proceedings of the Standing Rock Indian council, authorizing the leasing of their tribal lands.

GEORGE H. BINGENHEIMER,
United States Indian Agent.

Triplicate bond, No. 29388.

Know all men by these presents, that we, George Edward Lemmon, principal, of Spearfish, county of Lawrence and State of South Dakota, and the United States Fidelity and Guaranty Co., surety, of Baltimore, county of _____ and State of Maryland, are held and firmly bound unto the United States of America in the sum of twenty-four thousand and forty-eight $\frac{64}{100}$ (\$24,048.64) dollars, lawful money of the United States, to be paid to the Secretary of the Interior for the use and benefit of the Standing Rock Indians, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors, administrators, and assigns for and in the whole, jointly and severally, firmly by these presents.

Sealed with our seals, attested by our signatures, at Baltimore, Maryland, this 27th day of January, in the year of our Lord one thousand nine hundred and two.

The nature of this obligation is such, that if the said George Edward Lemmon, his heirs, executors, administrators, and assigns, or any of them, shall, and do in all things well and truly observe, perform, fulfill, accomplish, and keep all and singular the covenants, conditions, and agreements whatsoever, which, on the part of the said George Edward Lemmon, his heirs, executors, administrators, and assigns, are, or ought to be, observed, performed, fulfilled, accomplished, and kept, comprised, or mentioned in a lease bearing date the 27th day of January, one thousand nine hundred and two, between the said George H. Bingenheimer, United States Indian agent, and the said George Edward Lemmon concerning the leasing of certain lands on the Standing Rock Indian Reservation according to the true intent and meaning of said lease, then the above obligation to be void; otherwise to remain in full force and virtue.

GEORGE EDWARD LEMMON, *Principal*. [SEAL.]
UNITED STATES FIDELITY AND GUARANTY CO.,
EDWARD J. PENNIMAN, *2d Vice-President*; [SEAL.]
RICH D. LANG, *Assist. Secretary*. [SEAL.]

Signed, sealed, and delivered in presence of—

J. C. SLATER.
M. WOODVILLE.
J. F. McDERMOT.
CHAS. H. LAMKIE.

(Write all names in full.)

Senator JONES, of Arkansas. Another question raised in the letter I received was this: The writer said it was understood that the Government was to construct reservoirs to provide water for the lessees' cattle. Is there any provision of that kind?

Commissioner JONES. No, sir. The Government is not to construct anything.

Senator HARRIS. That was not mentioned at all.

Commissioner JONES. The lessees are to do everything at their own expense. Neither the Government nor the Indians are to expend one cent in connection with the matter.

Senator JONES, of Arkansas. None of these thing is to be done, and they can not deduct from the rent anything on that account?

Commissioner JONES. No, sir.

Senator McCUMBER. In a letter written to me the statement was made, outside of the matter of fencing, that on some of these tracts to be leased the lessees would have to drive their cattle outside of the reservation to certain creeks to be watered at the same place that the other cattle would be watered. There may not be anything in this, but I want to have the information, so that I can reply to the letter.

Commissioner JONES. There is nothing to that. The water is inside the leased portion.

Senator McCUMBER. There is plenty of water within the land to be fenced?

Commissioner JONES. Yes, sir; and in tracts where they do not have water they propose to build tanks, or reservoirs, as they call them.

Senator JONES, of Arkansas. How much land is there in this reservation, all told?

Commissioner JONES. In the whole reservation?

Senator JONES, of Arkansas. In the reservation under consideration.

Commissioner JONES. A million two hundred and some odd thousand acres.

Senator JONES, of Arkansas. That is the total amount?

Commissioner JONES. Yes, sir.

Senator GAMBLE. That is the total amount to be leased?

Commissioner JONES. Yes, the total amount to be leased.

Senator JONES, of Arkansas. I meant in the whole reservation.

Commissioner JONES. I can not tell you.

Senator JONES, of Arkansas. Can you tell me what proportion of the entire reservation is to be leased?

Commissioner JONES. I understand it now includes about one-half.

Senator JONES, of Arkansas. Is this [indicating on map] the reservation?

Commissioner JONES. No; that is the Cheyenne River Reservation. It is the one above [indicating]. It includes, I should judge, about half the reservation.

Senator JONES, of Arkansas. Your proposed leases run straight across?

Commissioner JONES. Yes, sir. This map, they tell me, is wrong. This [indicating] really is the course of the river.

Senator JONES, of Arkansas. It starts at the river?

Commissioner JONES. Yes, sir. The diagonal lines show the proposed leased portions.

Senator JONES, of Arkansas. Under the present proposition?

Commissioner JONES. Yes, sir.

Senator GAMBLE. Is not the northern portion in North Dakota to be leased?

Commissioner JONES. The State line is the blue line, and this portion [indicating] is in North Dakota. A portion of the proposed tract is in North Dakota. It comes up to this line [indicating].

Senator JONES, of Arkansas. The Commissioner says this map is not properly marked.

The CHAIRMAN. I can see that the lessees would have the advantage if they were permitted to let their stock run out to water, or anything of that kind, while those surrounding them have no right to go in on the reservation. I can see how great injustice might be done to outsiders.

Commissioner JONES. This is public land and we can not control it.

The CHAIRMAN. But you can control the lease and provide that the lessees shall not mix their cattle with the outside herds. That would be pretty rough on the outsiders.

Commissioner JONES. They do not own the public land; but, as a matter of fact, the lessees' cattle will not go out there. There is plenty of water inside.

Senator HARRIS. If the lessees have this reservation fenced off, they are not going to be constantly taking their cattle out and be driving them back and forth to water. They must have water inside or they would not lease it under these circumstances. Of course, there are no rights existing as to the outside part.

The CHAIRMAN. Only they might drive some of the cattle on the inside.

Senator HARRIS. That is a chance which a fellow takes on the public land. The cattle are all mixed up.

Senator JONES, of Arkansas. There is a gentleman here representing the Indians, and I suggest that he be heard.

STATEMENT OF LOUIS P. PRIMEAU.

The CHAIRMAN. Mr. Primeau, you are an interpreter?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. Who represents the Indians here?

Senator JONES, of Arkansas. He is a Sioux himself.

The CHAIRMAN. You are a Sioux?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. Are you interested in these leases?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. Did the council agree to it, and is it satisfactory to the Indians?

Senator JONES, of Arkansas. Is there not a delegation here from the Sioux Nation?

Mr. PRIMEAU. Yes, sir.

Senator JONES, of Arkansas. Where are the delegates?

Mr. PRIMEAU. At the hotel. I understood they would not be wanted here to day, and I did not bring them down.

Senator QUARLES. I presume this gentleman is capable of presenting their ideas. Probably if they were here he would have to do all the talking.

The CHAIRMAN. Do you know the views of the Indians perfectly.

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. Tell us how the Indians regard this lease.

Mr. PRIMEAU. This agreement that was signed, or the petition that was signed and sent to the Commissioner, was intended to head off the

permit system that was going to be inaugurated on the reservation. We preferred, between the two, to have the lease system, and so we signed this petition, three-fourths majority, 771 men, with the understanding that we were to select in the northwestern corner of our reservation the parts of our land which we could best do without.

Senator JONES, of Arkansas. When was that? About when?

Mr. PRIMEAU. That was some time in November, I think.

The CHAIRMAN. Is the selection as you supposed it would be?

Mr. PRIMEAU. Yes, sir; but then it was not put in the heading, because at that time the agent on the reservation was in receipt of letter from the Commissioner stating that the permit system would be inaugurated there, and just as we had this thing in mind the Indians got together. It was the best thing they could do under the conditions and circumstances surrounding them, and they thought they had better lease a portion of it, the unoccupied portion of the reservation, namely, in the northwest corner. A diagram was made of it and a committee of council, four, including the agent, was appointed to lay it off.

The CHAIRMAN. Do you understand the reservation from this map?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. Point out on the map the portion you understood would be leased.

Mr. PRIMEAU. This part right up in here [indicating]. It was to run down here [indicating] 30 miles, and then run down this way into South Dakota [indicating] to the head of the tributaries of Grand River, and from there diagonally across to the southwest corner, an area of perhaps 900 square miles.

The CHAIRMAN. It was not to come to this edge here [indicating]?

Mr. PRIMEAU. No, sir. We did that to protect ourselves, because the Indians living on Grand River have selected claims and holdings for their future homes, and on that land they raise cattle. That is all of this land in there [indicating], while this [indicating] is Cedar Creek, and it is not a desirable range.

The CHAIRMAN. You are willing that it shall run clear across here [indicating]?

Mr. PRIMEAU. Yes, sir; take in all this country where nobody lives.

The CHAIRMAN. Mark with your finger the line that divides it; where you think the line of the lease was intended to be.

Senator JONES, of Arkansas. As you proposed it.

Mr. PRIMEAU. That [indicating] is the Cannon Ball.

Senator McCUMBER. It is stated that the map is wrong.

Mr. PRIMEAU. It starts in here, and goes this way [indicating], and from there diagonally across this way [indicating] and down, "pipe-shaped," as it was termed by the Indians.

The CHAIRMAN. The lease goes strait across the upper end?

Mr. PRIMEAU. Yes, sir. There [indicating] is the proposed leased part of it.

The CHAIRMAN. The description of the lease does not suit you. Do you object to the description in the lease?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. You object to that?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. Do the other Indians with you object to it?

Mr. PRIMEAU. Yes, sir.

Senator JONES, of Arkansas. Let me ask you a question. You said that you agreed to this simply because you understood that the permit system was to be put in force?

Mr. PRIMEAU. Yes, sir.

Senator JONES, of Arkansas. Do you understand that the Indians were consenting to the lease without regard to the permit system, or did they simply regard it as better than the permit system, and agreed to it for that reason only?

Mr. PRIMEAU. Yes, sir; because the permit system was going to be inaugurated there anyway, and for that reason they would rather lease the lands, because they would have money coming to them to buy cattle.

Senator JONES, of Arkansas. Suppose there had been nothing said about the permit system. Do you think the Indians would have agreed to this lease as they proposed it, anyway?

Mr. PRIMEAU. No, sir.

Senator HARRIS. Really the Indians do not want the permit system or this lease?

Mr. PRIMEAU. Not as it is in here. If they were allowed to select the parcel of ground they want to lease, they would prefer—

Senator HARRIS. Would they be willing to lease it without regard to the permit system, or is it simply an alternative? They would rather lease than have the permit system?

Mr. PRIMEAU. That is it.

Senator HARRIS. And they would rather not do it?

The CHAIRMAN. What is the objection to leasing the land along down there [indicating on map]? What is it there to make it objectionable?

Mr. PRIMEAU. There are Indians living all along there.

The CHAIRMAN. All along?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. On that edge of the reservation [indicating]?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. They object to the lease going across and taking in land where they live?

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. And the lease goes right across here [indicating]?

Senator JONES, of Arkansas. How many Indian families live in the portion proposed to be leased?

Mr. PRIMEAU. The Commissioner has the lease before him. It was modified. It was said it would run down here [indicating] and then there would be 391 families. But that was modified. I have a list of them, and if I can be advised as to whether that line would probably cross Grand River, near what house, I would be able to tell just exactly how many families there were.

The CHAIRMAN. Can the Commissioner give us the line?

Commissioner JONES. I can not by metes and bounds.

Senator JONES, of Arkansas. Where is Grand River on that map?

Mr. PRIMEAU. Right along here [indicating].

Senator JONES, of Arkansas. Are there Indians living along Grand River?

Mr. PRIMEAU. Yes, sir.

Senator McCUMBER. If the Indians lease the portions they desire to lease, retaining the other, are the portions which they desire to lease favorable, having water facilities and everything else necessary for grazing?

Mr. PRIMEAU. Yes, sir.

Senator McCUMBER. In sufficient quantities?

Mr. PRIMEAU. In sufficient quantities, only it is high land and the

frost kills off the grass. It does not cure like it does in the lowlands, where the Indians have selected their homes. It is not desirable stock range.

Senator McCUMBER. As I understand this lease, the Indians living in that section are allowed to place their cattle right in with the general herd?

Senator JONES, of Arkansas. Not to exceed 100 head.

Commissioner JONES. Any number.

Senator GAMBLE. But they are obliged to pay for those above a hundred.

Senator McCUMBER. How many of the Indians living in the section which would be included in the lease have more than a hundred head of stock?

Mr. PRIMEAU. Very few. They are less than 15. There are 15 altogether, but part of them live way down here [indicating] and some off the reservation.

Senator McCUMBER. Then practically all of them would get their grazing done free during the summer under this lease?

Senator GAMBLE. What objections do the Indians make to the leasing of these lands under these proposed leases that have been made or executed? What are the substantial objections that they make?

Mr. PRIMEAU. The objection is that there is plenty of vacant land that the cattle can graze on in the summer season, but in the winter they will naturally go down to the sheltered part of the reservation, where there is water and where the Indians are located with their cattle. If they should come in here [indicating] when they go north, they would take some of the cattle off with them and the Indians would have to follow them up to get back their cattle.

Senator JONES, of Arkansas. That would apply to the Indians in the reservation?

Mr. PRIMEAU. Yes, sir.

Senator JONES, of Arkansas. And you say there are only fifteen?

Mr. PRIMEAU. Those are the ones who have a hundred cattle. There are 5,100 head of cattle in the one district, not including the Porcupine district.

Senator McCUMBER. The Indians have to put up hay for their cattle?

Mr. PRIMEAU. Yes, sir.

Senator McCUMBER. Therefore they want to keep their cattle entirely separate from the herders' cattle?

Mr. PRIMEAU. Yes, sir.

Senator McCUMBER. And they could not do that if the lessees were allowed to drive their cattle down in the sheltered portion?

Mr. PRIMEAU. That is it.

Senator CLARK, of Montana. Have they fenced it?

Mr. PRIMEAU. No, sir; no fences, but gardens.

Senator CLARK, of Montana. If there are no fences to protect their own cattle and hay, the lessees' cattle placed there under the terms of the lease would sweep down and eat up everything in sight?

Mr. PRIMEAU. That is why the Indians object to the lease.

Senator CLARK, of Montana. The Indians probably would not have the money to build fences to protect their stock and their hay.

Senator JONES, of Arkansas. How much of a modification of the lines of the lease would it require to cut out of the leased district the Indians you speak of with their 5,000 head?

Mr. PRIMEAU. This comes down to here [indicating]; it takes in that whole square piece. But the thickest part of the settlement, those

who have regular homes built up and are doing nicely, live all through here [indicating].

Senator CLARK, of Montana. That is Grand River [indicating]?

Mr. PRIMEAU. Yes, sir.

Senator JONES, of Arkansas. How far up Grand River do they live?

Mr. PRIMEAU. They live up here [indicating]; it is sparsely settled—

Senator JONES, of Arkansas. Is this [indicating] the line of the proposed lease?

Mr. PRIMEAU. No, sir; it is right here [indicating].

Senator McCUMBER. That is the line he said the Indians wanted.

Senator JONES, of Arkansas. It includes all this?

Commissioner JONES. Yes, sir. There are two leases, and the map shows the plot assigned to each one. The square portion in the south-east part has been leased to Mr. Walker and the other to Mr. Lemon.

The CHAIRMAN. It is marked on the map?

Commissioner JONES. Yes, sir.

Senator JONES, of Arkansas. You say it has been leased?

Commissioner JONES. I mean that it is proposed to be leased.

Senator JONES, of Arkansas. Mr. Primeau, you think if the lease was modified, so as to extend the line 6 miles into the Walker lease, there would be no objection on the part of the Indians to the Lemon lease extended in that way if the Walker lease was not made?

Mr. PRIMEAU. There would be no objection then.

Senator GAMBLE. What is the character of the land on the reservation east of those proposed leaseholds in regard to hay?

Mr. PRIMEAU. There is good hay. Of course, in that country it is all upland hay, and the people cut it in the ravines and lake beds. We can not mow it down like tame hay. We have to go often 15 miles for our hay. There is plenty of hay in here [indicating], but it is thickly settled from the Missouri clear up.

Senator GAMBLE. Would there be sufficient hay to be cut on the reservation that is not proposed to be leased to take care of the stock of those Indians who are situated within the leaseholds?

Mr. PRIMEAU. Yes, sir; if it was within hauling distance.

Senator GAMBLE. How far would they be obliged to haul it?

Mr. PRIMEAU. It depends upon what part a man lives in. It is 53 miles from this line out here [indicating], and from there down here [indicating] it is about 35 miles.

Senator JONES, of Arkansas. As it is now, do the Indians save any hay on the land you might designate there as the Lemon tract?

Mr. PRIMEAU. They cut some up there [indicating on map], but this land we are not using, because it is not desirable.

Senator GAMBLE. How much hay was cut on the Lemon tract by the Indians during the last season, and how many Indians cut hay, if you can tell?

Mr. PRIMEAU. I have not the list here. I gave the list to the Commissioner.

Senator GAMBLE. About how many?

Mr. PRIMEAU. Oh, perhaps 30 families, 35, possibly 50.

Senator GAMBLE. How many families on the Walker tract cut hay, and how much hay did they cut?

Mr. PRIMEAU. There are 261 families living in there. That would run down to that [indicating].

Senator DUBOIS. Three hundred families in all.

Senator GAMBLE. Restate that. How many families are there on the Lemon tract?

Mr. PRIMEAU. There are, I think, about 40. I am just guessing.

Senator GAMBLE. How many are there on the Walker tract.

Mr. PRIMEAU. It would be that much off 261.

Senator GAMBLE. Over 200?

Mr. PRIMEAU. Yes, sir.

Senator McCUMBER. What is the statement of Mr. McLaughlin—to the effect that there are not 50 families within the limits of both of these leased tracts?

Commissioner JONES. Yes, sir.

Senator GAMBLE. Whereabouts do you live? Where is your residence?

Mr. PRIMEAU. Mine is right outside this inclosure altogether [indicating]. I live on Oak Creek, a little tributary that runs in here [indicating].

Senator GAMBLE. You are entirely familiar with especially the Walker tract and the Lemon tract?

Mr. PRIMEAU. Yes, sir. I was born and raised right there.

Senator BARD. How does this tract receive the name of the Walker tract and that the name of the Lemon tract?

Senator GAMBLE. Was this map prepared recently?

Commissioner JONES. We prepared that in the office last week.

Senator JONES, of Arkansas. How many cattle do you own?

Mr. PRIMEAU. About 195.

Senator JONES, of Arkansas. Who is the largest cattle owner among the Sioux?

Mr. PRIMEAU. Mrs. H. S. Parkin.

Senator JONES, of Arkansas. How many cattle has she?

Mr. PRIMEAU. Two hundred and fifty-five.

Senator JONES, of Arkansas. She is the largest owner?

Mr. PRIMEAU. Yes, sir.

Senator JONES, of Arkansas. Are there many cattle grazed by members of the tribe that really belong to other people?

Mr. PRIMEAU. Not any that I know of.

Senator JONES, of Arkansas. There are no cattle brought on the reservation except those which belong in good faith to Indians?

Mr. PRIMEAU. That is all, on our reservation.

Senator McCUMBER. Is this Mrs. Parkin, the wife of the storekeeper on the reservation?

Mr. PRIMEAU. He is dead—H. S. W. S. is the storekeeper.

Senator McCUMBER. This is not his wife?

Mr. PRIMEAU. No, sir.

Senator McCUMBER. Is it the wife of his brother?

Mr. PRIMEAU. Yes, sir.

Senator CLARK, of Montana. Is she a Sioux?

Mr. PRIMEAU. Yes, sir.

Senator GAMBLE. You state, then, that the Indians will be satisfied with the upper lease as well as the Lemon lease, and the substantial objection is against the Walker lease?

Mr. PRIMEAU. Yes, sir.

Senator GAMBLE. Is that the position the Indians take?

Senator HARRIS. What do you mean by the upper lease as well as the Lemon lease?

Senator GAMBLE. I thought there were three leases.

Commissioner JONES. There are only two.

Senator GAMBLE. I thought there were three. I thought the upper tract was leased to another party.

The CHAIRMAN. Mr. Primeau, we will now excuse you.

STATEMENT OF L. M. STOCKTON.

The CHAIRMAN. Mr. Stockton, whom do you represent?

Mr. STOCKTON. I represent the Boston Indian Citizenship Committee. As it appears that the Indians do not consent to this lease, they wish to protest against it. If, however, a lease is to be made of any of the lands, they would suggest that it be made as far as possible from the present settlement. We have very insufficient facts in regard to this matter, but I think Miss Lord, who has been out there with the Indians for some time, can make a statement which will be of interest.

The CHAIRMAN. If she knows the facts, we shall be glad to hear from her.

STATEMENT OF MISS MARY P. LORD.

The CHAIRMAN. Miss Lord, we shall be glad to hear anything you have to say.

Miss LORD. I know nothing of the legal facts in the case.

The CHAIRMAN. Have you been out there?

Miss LORD. I lived between six and seven years on the reservation on Grand River as a missionary among the Indians. I have no personal interest whatever in the matter.

The CHAIRMAN. You say you have been there how many years?

Miss LORD. Between six and seven years. I have lived on Grand River. I have driven from the Missouri River to within a few miles of the western boundary, and from the northern boundary down through the reservation into the Cheyenne Reservation.

The CHAIRMAN. What have you to say as to this lease?

Miss LORD. Will you allow me to state just what are the conditions there?

The CHAIRMAN. State it in your own way.

Miss LORD. What I shall say is from my own observation during a residence of from six to seven years in an Indian village on the Standing Rock Reservation as missionary to the Indians.

Though located on Grand River, I have driven from its northern boundary to its southern, and from its eastern to within a few miles of its western boundary. The one most striking feature of the country is its lack of woodland and of streams. The latter are sometimes from 10 to 15 or 20 miles apart, and some of these dry or nearly so during the late summer and fall. And during the winter, in places where the water is shallow, it freezes throughout its entire depth. Trees grow only along these water courses, with occasionally a stunted growth in some deep ravine.

The climate is not adapted to successful farming, as it is only in exceptionally rainy seasons that crops can be raised, although each spring the Indians plow and plant, hoping for some return, instead of which so often come only drought and heat and scorching winds.

I might add that there are large tracts of land on these reservations where only the cactus, sagebrush, prairie dogs, and rattlesnakes can live and thrive.

The one industry which seems open to these Indians as a possible means of self-support is that of cattle raising. In this progress has been slow, but for this the Indians are not wholly to blame. It is not from indifference, or viciousness, or laziness that their cattle have starved and frozen to death and that the herds have not increased, so much as

it has been through ignorance of the care that was necessary to the well-being of their stock. Nor did they realize what that well-being represented to them in money value.

These things, however, they are learning gradually, and, as a consequence, they are putting up more hay each year, neighbors often vying with each other as to the number of loads. During the haying season it is the one topic of conversation, and for weeks sometimes the village is nearly depopulated, because the Indians are out in their haying camps. Some have purchased their own implements, and therefore do not have to wait their turn for the mowing machines which have been issued by the Government for their use in common. As the putting up of hay is so essential to provide for their stock during the deep snows and fierce blizzards of a Dakota winter, it is necessary that each Indian shall have his hay land reserved, as well as his grazing land. This hay land is sometimes from 5 to 10 miles from the Indian's home—Mr. Primeau has said as far as 15 miles—as the latter must necessarily be along the water course for the wood supply, while the hay land may be back on the high prairie.

I have alluded to some of the external conditions. Still another phase of the question is quite as important. As yet they are like little children in character, untrained and undeveloped, yet with natural traits that are capable of development into a strong, fine manhood and womanhood—natural characteristics of strength and gentleness and reverence, which I trust will never be eliminated by contact with our own less reverent race.

They are now in the most critical transition state. As one of our native pastors wrote me of his flock, "They are like newly plowed ground." They are at the point where they need both precept and example, and both of the very best that can be given them. A parent would not say, "Anybody will do for a kindergarten," and it is equally true that "anybody" will not be a success on a reservation.

If the Indians are really to be helped to become good citizens, they must have among them men and women who in their own lives at least endeavor to keep somewhere near to the ten commandments. If the incoming of cattlemen at this critical time will secure to them this kind of neighbors, then they can afford to make some concessions of land, for this, as we know, has been from the beginning one of the Indians' greatest needs, and from the lack of it have arisen endless complications. The only power, as I believe, which will settle the Indian question and settle it satisfactorily and forever is the power of God. If the cattlemen will bring the Indians this, let them come. "In God we trust."

Senator PLATT, of Connecticut. May I ask a question. Can the Indians themselves, now, or in the future, utilize all this vast reservation for cattle?

Miss LORD. I can not state positively, but I do notice from what has gone before that they have taken into account only the number of cattle the Indians now have. We are hoping for a large increase in that number. We need more cattle to start out with, and we hope certainly for an increase; and for the increase of the herds they surely must need more land than they use at present. But as to the amount of land necessary, I am unable to say.

Senator JONES, of Arkansas. Do the Sioux Indians sell any cattle now?

Miss LORD. Yes, sir.

ADDITIONAL STATEMENT OF LOUIS P. PRIMEAU.

Senator JONES, of Arkansas. Do the Sioux Indians sell any beef cattle?

Mr. PRIMEAU. Yes, sir. The whole reservation sold about 1,800 head.

Senator JONES, of Arkansas. Have all the families cattle?

Mr. PRIMEAU. Yes, sir; almost every family has from 5 to 65 head.

Senator PLATT, of Connecticut. What was the question?

Senator JONES, of Arkansas. I want to know if every family in the reservation has some cattle?

Senator PLATT, of Connecticut. Does he say that?

Senator JONES, of Arkansas. He said almost all.

Mr. PRIMEAU. Almost all families, with the exception of some old women.

The CHAIRMAN. Do they cultivate the land at all?

Mr. PRIMEAU. Not much.

The CHAIRMAN. What do they raise?

Mr. PRIMEAU. The Grand River is not a running stream.

The CHAIRMAN. It is in a deep gorge?

Mr. PRIMEAU. Yes, sir; and through the middle of summer there are just pools of water.

The CHAIRMAN. Are there any streams flowing that can be easily turned?

Mr. PRIMEAU. There are some few nearer the Missouri River and branches of the Grand River.

The CHAIRMAN. Do they now utilize those to any extent?

Mr. PRIMEAU. No, sir.

Senator QUARLES. Would it be the wish of the Indians on the agency that we should take some of their funds and purchase cattle for them?

Mr. PRIMEAU. That is just exactly what they want.

Senator QUARLES. That is what they want?

Mr. PRIMEAU. Yes, sir.

Senator QUARLES. Are they in shape now, if that were done, to profit by it?

Mr. PRIMEAU. Yes, sir.

Senator QUARLES. And to take care of the cattle?

Mr. PRIMEAU. Yes, sir. Since the Government has afforded them a market for their cattle, they have noticed the good that comes from it, and they are all busy taking care of their cattle. They get the herds together, and chop water holes for them, and feed them hay all through the season, in good shape.

Senator GAMBLE. How many cattle would you say are on that part of the reservation covered by the Lemon lease and the Walker lease? How many head of cattle are owned by the families on those tracts?

Mr. PRIMEAU. I could make a guess. We have 5,100 head in this district, but the modified proposed lease makes the line so far west to Bull Head station that it is difficult to say. I think I could safely say 3,500.

Senator GAMBLE. Thirty-five hundred are owned by the 261 families?

Mr. PRIMEAU. Yes, sir.

ADDITIONAL STATEMENT OF WILLIAM A. JONES.

Senator QUARLES. Would there be any objection, if the Indians want it done, to applying the \$40,000 of rent money toward the purchase of cattle and giving them to the Indians?

Commissioner JONES. That is what we propose to do with it.

Senator JONES, of Arkansas. Have they now any funds in the Treasury?

Commissioner JONES. There is paid to the Standing Rock Indians annually \$13,985.50 as their share of the Sioux fund. Out of that we can buy whatever is needed for the support of the old and infirm. It will leave a very small amount that can be applied to the purchase of cattle, but if this land is leased we propose to conserve this fund and buy cattle and distribute them per capita among the Indians for the purpose of increasing their herds.

Senator JONES, of Arkansas. How long is the \$13,000 a year to run?

Commissioner JONES. It is their share of the annual interest on the \$3,000,000 now in the Treasury to their credit.

Senator JONES, of Arkansas. It is the interest on the \$3,000,000?

Commissioner JONES. Yes, sir.

Senator JONES, of Arkansas. There is \$3,000,000 in the Treasury that belongs to them?

Commissioner JONES. The whole Sioux tribe.

Senator GAMBLE. In addition to that ought there not to be credited to the Sioux Nation the amount of money they were to realize from the sale of their reservation in 1889, which became due—

Commissioner JONES. The ceded portion?

Senator GAMBLE. The ceded portion, which became due nearly two years ago?

Commissioner JONES. Yes, sir.

The CHAIRMAN. How much would that be?

Commissioner JONES. They have about 9,000,000 acres in round numbers still unsold, for which the Government agreed to pay them 50 cents an acre, and it would amount to about—

The CHAIRMAN. That is not included in this reservation?

Commissioner JONES. No, sir; that is the surrounding land ceded by them under the treaty of 1889.

Senator GAMBLE. The white part?

Commissioner JONES. The white part; but out of the proceeds of this settlement the \$3,000,000 much be deducted. The \$3,000,000 I understand was advanced by the Government.

The CHAIRMAN. That would be about \$6,000,000?

Senator CLAPP. About \$2,000,000.

Commissioner JONES. There would be a million and a half still due them.

I should like to answer some of the statements made here by Mr. Primeau. The statement was made by Mr. Primeau that the Indians were forced into this leasing proposition for fear of the permit system. Now, there have been statements made all over the country by people who do not understand the conditions or the facts connected with the case that the Indian Office forced the Indians into this situation.

Senator JONES, of Arkansas. Did you write a letter to somebody out there saying the permit system would be inaugurated?

Commissioner JONES. No, sir; nor did anybody else. It has been stated here in the city of Washington and out there that Captain Tonner, my assistant, sent a message out there instructing the agent that if the Indians did not submit to the leasing proposition the permit system would be enforced. I will read you the correspondence, and the only correspondence the office has ever had in connection with the matter.

See
affair
page.

ADDITIONAL STATEMENT OF LOUIS P. PRIMEAU.

Senator JONES, of Arkansas. I wish to ask the interpreter if he did not say a while ago that he had a letter from the Commissioner to that effect?

Mr. PRIMEAU. I have a copy of the letter dated October 9. I will show it to you.

Senator JONES, of Arkansas. Perhaps that is the same letter you are about to read, Mr. Commissioner.

Senator QUARLES. Is that the date of your letter?

Commissioner JONES. No, sir; this is the first of the correspondence.

Senator JONES, of Arkansas. Mr. Primeau, suppose you read that letter.

Mr. PRIMEAU. I will. It is as follows:

WASHINGTON, October 9, 1901.

GEO. H. BINGENHEIMER,

U. S. Indian Agent, Standing Rock Agency,
Fort Yates, N. Dak.

SIR: You are advised that the Secretary of the Interior, on the 4th instant, granted authority for the inauguration of the permit system of taxation for resident cattle and the permit system of pasturage for outside cattle on the Standing Rock Reservation, subject to the following conditions: The system shall be inaugurated to begin January 1, 1902; the rate for both resident and outside stock (whether horses or cattle) shall be \$1 per head per annum; each family having rights on the reservation shall be exempt from the payment of the tax to the extent of 100 head, and shall be required to pay only for the excess; owners of outside stock shall pay for the full number of stock grazed; payment shall be required semiannually in advance, and nonresident owners shall be required to give bond to secure the deferred payment; permits shall be issued for only one year.

You are accordingly instructed to take immediate steps to inaugurate the permit system of taxation for resident stock, and the permit system of pasturage for nonresident stock, in accordance with the Secretary's authority and the instructions herein contained.

The permit issued to both resident and nonresident owners will be the same in form. In the case of families having rights upon the reservation, they will be exempt from the payment of the tax to the extent of 100 head, and will be required to pay only for the excess at the rate of \$1 per head per annum. Nonresidents will of course pay for the full number of stock grazed upon the reservation. Payment of rent must be required from both classes of permittees semiannually in advance; that is, one-half on January 1 and one-half on July 1. Residents of the reservation need not be required to give bond to secure the deferred payments; nonresidents will be required either to pay the full annual consideration in advance or to give bond with two or more good and sufficient sureties, to be approved by you, to secure the deferred semiannual payment. The grazing year will commence January 1, 1902, and permits should be issued for one year only. A form of permit and bond to be used by you is transmitted herewith. A careful and accurate count should be made by you or under your supervision to determine the number of head of stock held upon the reservation by each resident family, and the number of head brought upon the reservation for grazing purposes by each nonresident. The sum

charged, \$1 per head, will be made for both horses and cattle. You should bear in mind that the system of taxation extends to all families having rights upon the reservation. The head of the family should be required to enter into the grazing permit. No permittee, whether resident or nonresident, should be permitted to monopolize certain portions of the reservation to the detriment of other permittees, but judicious assignments of locations for each permittee should be made by you with a view to giving all permittees, so far as practicable, equal grazing and water privileges.

The permit and bond should be executed in triplicate, and when properly executed should be forwarded to this office for approval. All moneys collected by you under these instructions should be deposited in the Treasury in the usual manner to the credit of the Indians, and should be taken up on your quarterly account as miscellaneous receipts, Class III, proceeds of grazing.

Should you meet with any special difficulty in carrying out these instructions, the same should be promptly reported to this office. The matter should receive immediate attention, that the system shall be in working order on January 1, 1902. Due care should be taken by you not to admit such number of outside stock as to overgraze the lands.

Please acknowledge receipt of these instructions.

Very respectfully,

W. A. JONES, *Commissioner.*

ADDITIONAL STATEMENT OF WILLIAM A. JONES.

Commissioner JONES. I will state that a similar letter was sent to all the agents on the Sioux reservations. Information was received at the office that a large number of cattle were being grazed on these reservations illegally. The office did not have sufficient police to keep them out and no funds to employ more.

At the suggestion of some of the agents it was decided to get what revenue we could from this illegal occupation by charging \$1 per head on all the cattle we could find so grazing.

There was no intention nor desire on my part, nor anyone connected with the office, to force the permit system or the leasing system on these Indians. The agent states that he so informed the Indians when the subject was discussed.

Senator JONES, of Arkansas. This letter did not say that.

Commissioner JONES. What is that?

Senator JONES, of Arkansas. This letter did not make that statement.

Commissioner JONES. I did not see anything in the letter—

Senator JONES, of Arkansas. It seems to be absolute in its terms.

Commissioner JONES. There is nothing absolute in it.

Senator JONES, of Arkansas. I know you could not violate the law, but the question is whether the Indians knew it.

Commissioner JONES. Mr. Bingenheimer told me this morning that he instructed the Indians to that effect, and that the councils held at the several farming districts were so instructed. The letters preliminary to this whole matter are dated last spring, and I would like to read you the message which has been so much harped about, it being alleged that Captain Tonner forced the Indians into this condition. When I was at the letting in New York, he wrote me and told me the Indians were opposed to leasing or to the permit system, and I wrote him back.

Senator JONES, of Arkansas. The agent, you mean?

Commissioner JONES. No; the Assistant Commissioner.

Senator PLATT, of Connecticut. Mr. Tonner is the Assistant Commissioner?

Commissioner JONES. He is the Assistant Commissioner. I wrote him back as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Warehouse, Nos. 77 and 79 Wooster Street, New York, May 15, 1901.

Hon. A. C. TONNER,

Acting Commissioner Indian Affairs, Washington, D. C.

DEAR CAPTAIN: I had mislaid your favor of the 10th instant, in relation to the grazing of cattle on the Standing Rock and the Cheyenne River reservations, until this morning. I am sorry the matter has been delayed so long. I do not see that we can do anything as the situation stands unless Agent Hatch—

Who is the agent at Cheyenne River—

Agent Hatch could persuade those Indians to accept the permit system.

That was understood, that the Indians were to accept it or reject it.

I would like very much to have the surplus lands on those reservations used for grazing, but can not do so without the Indians' consent, and it seems at present that we are unable to secure it. I would suggest that you correspond again by wire or mail with Hatch and Bingenheimer—

He is the agent at Standing Rock—

as to whether the Indians have experienced a change of heart in connection with it, and if so, I would issue permits at once.

In relation to the Cheyenne River Reservation, if the Indians prefer to lease their lands rather than to issue permits, I can see no objection whatever to gratifying their request. The agent, of course, would be the proper person to decide as to this. As matters are not settled here, I will not be home until the last of next week.

With kind regards, I am, very respectfully,

W. A. JONES, *Commissioner.*

As a result of that letter, Captain Tonner sent this message to Bingenheimer, agent at Standing Rock:

[Telegram.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., May 16, 1901.

BINGENHEIMER, *Indian Agent,*

Fort Yates, via Bismarck, N. Dak.:

The Commissioner, who is in New York, instructs me to again wire you with a view, if possible, of securing consent of Indians for pasturage of 10,000 or 12,000 head of outside cattle south of Grand River, at the rate of \$1 per head. Indian cattle not to be taxed as they now are at Rosebud and Pine Ridge. You should confer with Indians without calling general council, in view of prevalence of smallpox.

Early action very essential. Wire answer.

A. C. TONNER,
Acting Commissioner.

There is no disposition on the part of the office, and I do not think there is on the part of Mr. Bingenheimer, to force these Indians into the permit system, or into the leasing of their lands; at least there is not on my part.

Senator PLATT, of Connecticut. Mr. McLaughlin said in his letter:

"I was upon the Standing Rock Reservation, on leave of absence, several days during the month of October last, during which time a number of Indians called upon me and discussed the question of leasing the reservation for grazing purposes, the majority of whom

expressed themselves as opposed to having cattle brought in under the leasing permit at \$1 per head, they claiming that it would be impossible to keep an exact account of the number of cattle occupying the reservation, but all expressed a willingness to lease the western portion of the reservation at a certain price per acre."

Commissioner JONES. I should like to say a word in regard to one statement Mr. Primeau made, that there are two hundred and some odd Indians on the tract proposed to be leased. I do not remember exactly the number of Indian families he stated were there.

Senator JONES, of Arkansas. He said 261 families.

Mr. PRIMEAU. In that district.

Commissioner JONES. In that district. He submitted to me yesterday a list giving the names of all the Indians living on the Grand River in this proposed leased district, and this list was made up after consultation with the delegation that was here, and the total number on that tract is given at 176.

Senator PLATT, of Connecticut. Who made that up?

Commissioner JONES. Mr. Primeau.

Senator McCUMBER. How many?

Commissioner JONES. One hundred and seventy-six.

Senator McCUMBER. Families?

Commissioner JONES. Yes, sir; families. Those are all the Indian families given on the list as living within the proposed tract—the Walker tract and the Lemon tract.

Senator JONES, of Arkansas. How did he make that up?

Commissioner JONES. I do not know. He gave it to me yesterday.

Mr. PRIMEAU. That is the reason I wanted to know where the line crosses the Grand River, so as to know where to begin.

Senator JONES, of Arkansas. Did you make up this list from memory or have you a memorandum?

Mr. PRIMEAU. That is the memorandum.

Senator JONES. I mean, did you make it up from memory?

Mr. PRIMEAU. With the Indians who live there.

Senator CLARK, of Montana. Did you make it up?

Mr. PRIMEAU. Yes, sir; we knew every Indian there.

The CHAIRMAN. You say you do not know where to begin the line.

Mr. PRIMEAU. There would be 391 families, running the line the way I have indicated, but after getting down here [indicating on map] it was modified. But in this way there are 10 west of it and 21 families east of it not included in that list.

Senator GAMBLE. Thirty-one families not included in that list?

Mr. PRIMEAU. Yes, sir.

Senator PLATT, of Connecticut. Are they included in what is now proposed to be leased?

Mr. PRIMEAU. That is hard for me to tell. I can not get information as to where the line will run.

The CHAIRMAN. None of them can tell where it crosses the river.

Mr. PRIMEAU. If I knew where it crossed I could tell the exact number of families.

Commissioner JONES. This is all I have to go by. It is in writing by this gentleman himself.

Senator JONES, of Arkansas. Mr. McLaughlin stated that there would be how many families embraced within the lease?

Commissioner JONES. Fifty.

Senator McCUMBER. Not to exceed 50.

Senator JONES, of Arkansas. These Indians make it 176

Commissioner JONES. One hundred and seventy six. Whether some of these are outside of the boundaries I do not know, but all that the delegation have submitted is 176. Where Mr. Primeau gets the 200 and odd I do not know.

The CHAIRMAN. He says there are 31 about which he can not say yet, because he does not know where the line will run.

Commissioner JONES. He evidently knew where the line was to run when he gave me this list.

Senator JONES, of Arkansas. He says there are 31 more families.

Senator McCUMBER. There would probably be very little difference between you if you could find out exactly where the line is to run.

Senator JONES, of Arkansas. Where will be the line of the lease? Where will it cross Grand River?

Commissioner JONES. I do not know. Major McLaughlin and the Land Office—

Senator JONES, of Arkansas. That seems to be the trouble with Mr. Primeau.

Mr. PRIMEAU. The list shows, when it comes to any creek, the family, and it can not be disputed by McLaughlin or Bingenheimer.

Commissioner JONES. Nobody disputes it.

Senator JONES, of Arkansas. It depends upon where you begin to count. If you begin at one place it is 261, and at another 176, and Mr. Primeau says he does not know where to begin and you say you do not know.

Commissioner JONES. The statement that he made was that within the proposed leased tract there were this many families.

Senator PLATT, of Connecticut. How many?

Commissioner JONES. One hundred and seventy-six.

The CHAIRMAN. But both of you agree that you do not know where the line is to run.

Commissioner JONES. I do not know where he found it.

The CHAIRMAN. Then there is no dispute.

Senator PLATT, of Connecticut. How many does he say this morning?

Commissioner JONES. Two hundred and some odd.

Senator GAMBLE. Two hundred and sixty-one.

Senator JONES, of Arkansas. That is beginning at one place, but there are 40 families up to a certain place, and from there on there would be 260, less 38 or 40.

Senator GAMBLE. In computing the 261 families, at what point on Grand River did you commence?

Mr. PRIMEAU. That is what we call the Bull Head district. Living on Grand River there are 261 families in that district.

Senator GAMBLE. Commencing at Bull Head station?

Mr. PRIMEAU. That was at first, when the proposed line was to run from the southwest corner of the reservation, 56 miles, and it left this 24 miles of space there [indicating], and from that point [indicating] it takes in part of another district. There are 261 families in our district, and then several families—I have a list of them—that belong to the Oak Creek station. Counting that line as just proposed, there would have been 291 families, but I can not tell where to begin to count those families. They do not seem to know just where it is going to cross Grand River. If I knew what house to begin with, I could count up and tell exactly the number of families, but on the list I made it clear by showing the different branches of the creek—so many families on this and so many families on that.

The CHAIRMAN. Do you know the distance east and west across both the proposed leases?

Commissioner JONES. No, sir; I do not.

Senator JONES, of Arkansas. Do you know the width of the proposed leased district now?

Commissioner JONES. No, sir.

Senator McCUMBER. Is it not described by metes and bounds?

Commissioner JONES. Yes, sir; in the proposed lease.

Senator McCUMBER. By references, etc.?

Commissioner JONES. By longitude and latitude.

Senator McCUMBER. Then we can ascertain definitely.

Senator JONES, of Arkansas. Has this reservation ever been surveyed?

Commissioner JONES. I think most of it has been.

Senator GAMBLE. I think nearly all of it has been surveyed.

Senator JONES, of Arkansas. You can count the township lines and easily figure up the width of the proposed tract.

Senator CLAPP. I should like to ask the commissioner a question. Can you tell approximately how much there is now, independent of the proceeds of these leases, which could be used to buy cattle for the Indians who are on the reservation?

Commissioner JONES. It would be, Senator, in round numbers, \$14,000 a year for all purposes except schools.

Senator CLAPP. A million and a half would be left after taking out the three million?

Senator GAMBLE. As I understand it, there are three millions credited already to the Sioux Nation.

Senator CLAPP. That is a loan.

Senator GAMBLE. They are entitled to approximately four and a half million dollars. The three millions of course would be deducted, which would still leave a fund of \$4,500,000.

Commissioner JONES. I do not so understand it.

Senator CLAPP. It would be a million and a half?

Commissioner JONES. The three millions were advanced to them on the cession of the land.

Senator GAMBLE. It would be \$4,500,000. Fifty cents an acre on the 9,000,000 acres unpaid for by the Government would make a fund of \$4,500,000.

Senator CLAPP. But the Government would reimburse itself for the loan of the \$3,000,000. In the end the Indians would get only a million and a half?

Senator GAMBLE. It would be four and a half millions?

Senator PLATT, of Connecticut. The whole Standing Rock Agency would have \$4,500,000 when the matter is closed up.

Commissioner JONES. Not the Standard Rock Agency, but the whole Sioux Nation.

Senator GAMBLE. Out of this fund, by Executive order, a part of the principal may be paid for the benefit of the Indians. Is that true? It is in some of the agencies, I know.

Commissioner JONES. I do not know.

Senator GAMBLE. I know it is true as respects the Sisseton and Wahpeton.

Commissioner JONES. I do not know about the terms.

Senator GAMBLE. I do not remember the provisions so as to be able to say whether, if there was a necessity for stock, it could be taken from the principal, if it was thought wise or whether it would have to be appropriated by Congress.

Commissioner JONES. Congress can do it.

Senator JONES, of Arkansas. Are there any other claims against the Government by these Indians?

Commissioner JONES. Under the treaty of 1889 they were granted certain concessions until they become self-supporting.

Senator PLATT, of Connecticut. Do we pay them something annually?

Commissioner JONES. Yes, sir.

The CHAIRMAN. How much do we pay them annually?

Commissioner JONES. I have here the financial statement of the Sioux tribe. This appropriation is an indefinite appropriation, because we do not know how much we want. Part of them are self-sustaining and part are not. Last year we paid the Sioux nation \$942,347.97 in cash; that is, for employees in agencies and schools. For beef alone we paid them \$485,148.52.

Senator JONES, of Arkansas. Let me understand the first item. You paid that in cash for agency—

Commissioner JONES. For agency employees and school employees; and then we purchased for cash—

Senator JONES, of Arkansas. You paid that for the benefit of the Indians. You did not pay it to the Indians.

Commissioner JONES. No, sir; we expended it for their benefit.

Senator JONES, of Arkansas. For their benefit?

Commissioner JONES. Yes, sir. We paid \$485,148.52 for beef which was issued to them.

The CHAIRMAN. In rations?

Commissioner JONES. In beef rations. For other subsistencies—flour, sugar and coffee, and so on—we paid \$178,656.05, making a total for subsistence, for beef, flour, etc., of \$663,804.54. That is outside of the cash we paid to the Sioux nation for maintenance of agencies and schools and other cash articles.

The CHAIRMAN. And the \$14,000 of interest?

Commissioner JONES. Yes, sir; that is paid them in cash.

Senator JONES, of Arkansas. How; per capita?

Commissioner JONES. The \$13,000?

Senator JONES, of Arkansas. Yes.

Commissioner JONES. Yes, sir.

Senator PLATT, of Connecticut. That is only to the Standing Rock Agency?

Commissioner JONES. Yes, sir; but that is their proportion.

Senator PLATT, of Connecticut. How much do you pay to the whole Sioux tribe?

Commissioner JONES. A hundred and fifty thousand dollars—the interest at 5 per cent on \$3,000,000.

Senator PLATT, of Connecticut. So they get one-tenth, or thereabouts.

Commissioner JONES. We try to divide it in proportion to population as nearly as we can.

So far as I am concerned, I do not care whether there is one foot of this land leased or not, but it seems to me that when the Government is paying out a million and a half to the Sioux people, they themselves ought to contribute something to their maintenance and to reduce the amount of money that the Government is paying out to them every year as a gratuity. If they have lands which they are not using that we can lease, in this case saving about \$40,000 a year to the Government, I think it ought to be done. I have no personal feeling in this matter, but there is a lot of idle land there now which is used neither by them nor by anybody else, and I think it only fair that they should contribute something to their own maintenance.

Senator JONES, of Arkansas. I understand they do not object to that; they are willing to have the tract leased; but they object to leasing the other tract of land on which there are Indian families living, and they say they will have no hay supply if the ranges are run over by great herds of cattle.

Senator PLATT, of Connecticut. It looks as if all the contention here were as to what the boundaries of the lease shall be.

Senator JONES, of Arkansas. Exactly.

Commissioner JONES. I will state as to the families living in the proposed leased tract that we propose to give them all the wire they will need to fence their holdings, both as to their meadow lands and also in whatever other tracts they may want. We insist that they shall do their own fencing where they are able to do so, but we will give them the material.

The CHAIRMAN. Do you not think, Mr. Commissioner, that on consultation with the Indians here you could fix a line?

Commissioner JONES. I could if I were let alone.

The CHAIRMAN. You have been let alone. There is nobody to disturb you.

Commissioner JONES. Yes, sir; there is.

The CHAIRMAN. Suppose you meet with the Indians and settle it. Can you not fix it with the Indians?

Commissioner JONES. I could when they came here first, because we were agreed; but some disturbing element came in and the whole matter was upset. They agreed with me yesterday to lease this tract under certain conditions.

Senator JONES, of Arkansas. Which tract?

Commissioner JONES. Just as it is now.

Senator JONES, of Arkansas. You mean both the Walker tract and the Lemon tract?

Commissioner JONES. Yes, sir.

Senator JONES, of Arkansas. Who agreed to that?

Commissioner JONES. These Indians and Mr. Primeau; and then he suggested that we drop 6 miles east and eliminate the Walker tract entirely.

Senator JONES, of Arkansas. That is what he proposes now.

Commissioner JONES. They do not propose to do that now. They propose to run down in that direction [indicating].

Senator JONES, of Arkansas. He said they were perfectly willing to have that done in case this line [indicating] was dropped back 6 miles and the Walker tract excluded. Was not that what you said?

Mr. PRIMEAU. Yesterday forenoon, speaking to the Commissioner, I said the Indians would never consent under any consideration to give up the Walker tract, and if he would drop that out, I could fix it to the satisfaction of the Indians, because the head authorized me to do it. But it seems they wanted the whole thing and they have gone back and refused.

The CHAIRMAN. Dropping out the Walker tract, would they consent to fix the lines 6 miles farther east and settle it in that way?

Mr. PRIMEAU. Yes, sir; they would.

Commissioner JONES. The proposition was to include the tract just as we marked it out there, but stated they would like to fence the portion along the river which they have taken up; and to that we agreed.

Mr. PRIMEAU. It was not along the river. It was the Walker tract, with the understanding that the Lemon tract—

Commissioner JONES. You told me if you were allowed to fence 3

miles along that river, you would be perfectly willing to let that whole tract go in.

Mr. PRIMEAU. I said there was no show of getting consent if they were shut off from their lowlands.

The CHAIRMAN. Dropping out the Walker tract, the Indians are willing to extend the line 6 miles farther east and let the lease be made.

Mr. PRIMEAU. Yes, sir.

The CHAIRMAN. That will be satisfactory?

Mr. PRIMEAU. It will be all right.

Senator GAMBLE. In regard to fencing along Grand River 3 miles, to which the Commissioner referred, you would be satisfied to lease the Walker tract if it were fenced, say more than 3 miles back, so as to leave sufficient space for hay for the Indians.

Mr. PRIMEAU. Yes; that would be all right, if we could decide upon some plan of giving—

Senator GAMBLE. Six miles each side of the river?

Mr. PRIMEAU. Yes; that would be all right.

Senator GAMBLE. If you fenced it 6 miles each side of the river would that exclude, then, largely all the Indians from the Walker lease?

Mr. PRIMEAU. If there was a fence only on the north side, because a fence on the south side would be dangerous in case of a blizzard, as the cattle would drift and go against the fence and freeze to death. If that was left free, with a fence 6 miles north of Grand River in the Walker tract, we could manage to get along.

Senator GAMBLE. You would be satisfied?

Mr. PRIMEAU. We could get along.

Senator JONES, of Arkansas. Would the 6 miles include sufficient land for hay for the Indians?

Mr. PRIMEAU. Yes, sir; of course we often go farther, but we could manage.

The CHAIRMAN. You exclude from the lease all of the south side of the river and 6 miles north of the river?

Senator GAMBLE. By what authority do you appear here representing the Indians of Standing Rock Agency?

Mr. PRIMEAU. When this proposal was sent out the Indians in council gathered together \$200, and took a vote on it, and the majority of the respective bands and the chiefs signed their names to it, and they had the chairman of the council and the clerk put their names to it.

Senator GAMBLE. I mean were you elected or appointed by the tribe?

Mr. PRIMEAU. Yes, sir.

Senator GAMBLE. To come here and represent them?

Mr. PRIMEAU. Yes, sir.

Senator GAMBLE. You personally?

Mr. PRIMEAU. Yes, sir.

Senator GAMBLE. And then the delegation came with Mr. Bergenheimer?

Mr. PRIMEAU. Yes, sir.

Senator PLATT, of Connecticut. Are the delegation in the city?

Mr. PRIMEAU. Yes, sir.

Senator PLATT, of Connecticut. And Major Bergenheimer?

Mr. PRIMEAU. Yes, sir.

Senator PLATT, of Connecticut. He is here?

Mr. PRIMEAU. Yes, sir.

Senator PLATT, of Connecticut. He is the agent?

Mr. PRIMEAU. Yes, sir.

Senator CLARK, of Montana. How much land do you consider necessary for each head of cattle in that locality?

Mr. PRIMEAU. For grazing?

Senator CLARK, of Montana. For grazing.

Mr. PRIMEAU. The year round?

Senator CLARK, of Montana. Yes, winter and summer.

Mr. PRIMEAU. I should judge about 20 acres.

Senator CLARK, of Montana. You think 20 acres is enough?

Mr. PRIMEAU. It would be; in some seasons perhaps it would not be.

Senator CLARK, of Montana. This lease provides for 40 acres to each head of cattle?

Mr. PRIMEAU. Yes, sir.

Senator PLATT, of Connecticut. Twenty would not be enough. I do not know much about this business.

Senator CLARK, of Montana. It would be in summer time.

Senator PLATT, of Connecticut. Senator Gamble knows more about it than I do, but I never supposed 20 would be enough.

Senator CLARK, of Montana. Twenty would be enough in summer time. It would not be enough in winter. Of course, I do not know exactly the nature of the land, but usually it would be enough in summer.

Senator McCUMBER. Mr. Commissioner, could not yourself, Major Bergenheimer, and these gentlemen representing the Indians get together and make the line of demarcation with such a degree of certainty that you can all agree upon it? Do you not think it is feasible?

Commissioner JONES. It is just as I told you before. If let alone, we can do it.

Senator GAMBLE. You will not be interfered with by the committee.

Commissioner JONES. The details ought not to be brought before the committee. It should not be bothered with them.

Senator JONES, of Arkansas. Speaking for myself, I believe these Indians ought to have land enough to graze all the cattle they have or are likely to have, and they ought to have room enough to get all the hay they need. I believe the reservation was set apart to take care of the Indians. I think any arrangement to have lands leased which the Indians do not need ought to be made; and I believe the Commissioner's step is a right one. The only question is as to the extent. I am pretty doubtful about interfering with the Indians along the river. We ought to encourage those people to increase their herds and make themselves self-sustaining, and the only way to do it is to keep enough room for them to graze their herds on.

Commissioner JONES. We provide for that.

Senator PLATT, of Connecticut. I do not know what the Commissioner means by outside influence, but I think the Indians ought to be reasonable and I think the Government ought to be reasonable, and it seems to me you can get together on what this lease shall include, and if you can not, believing that some lease is for the benefit of the Indians, we shall have to settle it. I think you should try it once more.

Commissioner JONES. If I fail, I shall recommend that no leasing at all be done.

Senator JONES, of Arkansas. I believe the Lemon tract ought to be leased. I do not think anything ought to be done in temper. I think we ought to follow our judgments in what we do. I am satisfied the tract of country which the Indians do not need ought to be leased. The only question is how much do they need; what part of the reservation ought to be reserved to enable the Indians to take care of their cattle. If

they are a little unreasonable about it, it is no reason, I think, why we should not do just what ought to be done; and, so far as I am concerned, I am willing, as a member of the committee, to take the responsibility, with the lights before me, and vote what I think ought to be done. I should be governed by the amount of land that is required for the Indians to take good care of their stock and to give them plenty of room to increase their herds. We ought to induce them to do it, and a good way to induce them to increase their herds is to have a good pasture which is there before their eyes all the time.

Senator PLATT, of Connecticut. I assume that the Commissioner and the Indian agent do not want to do anything to the disadvantage of the Indians, and it seems to me that the thing ought to be adjusted.

The CHAIRMAN. All we can do is to turn it over to them and let them make another trial, and then if they can not adjust it the committee will have to take some action. I suggest that the committee is of opinion that you should try it again. Let outside influence keep away. Let them go to the Indian Department and have a consultation and let it be settled.

At 11 o'clock and 30 minutes a. m. the committee adjourned.

Commissioner JONES. No; the Walker lease is in Chicago for the purpose of having the bond perfected.

Senator JONES, of Arkansas. How many Indians live on the land covered by the Lemmon lease?

Commissioner JONES. I could not tell you.

Senator QUARLES. I understand there are very few Indians on the land covered by the Lemmon lease.

Commissioner JONES. They do not seem to know how many there are.

The CHAIRMAN. You say those Indians are here?

Commissioner JONES. Yes.

The CHAIRMAN. Shall we call them in to see what they know about this matter?

Senator QUARLES. I do not think we ought do that. It would take all the evening to hear them.

The CHAIRMAN. Do you think we ought to hear them (addressing the Commissioner)?

Commissioner JONES. It is immaterial to me.

The CHAIRMAN. Do you think they can throw any light upon the subject?

Commissioner JONES. They can not throw any more light upon it than they have heretofore.

The CHAIRMAN. How about the other lease—the Lemmon lease?

Commissioner JONES. The Lemmon lease the Indians do not object to, and never have objected to it very seriously.

The CHAIRMAN. The Walker lease they do object to?

Commissioner JONES. They have not objected to it, as was stated before you the other day. Until this evening, they were satisfied with it. The President discussed the matter with them and understood the situation—the character of the land and also the character of the Indians. They discussed the matter very thoroughly with the President. He asked Mr. Primeau questions in regard to the matter and satisfied himself that it was advisable to lease the land.

The CHAIRMAN. The President did?

Commissioner JONES. Yes.

Senator HARRIS. Has Mr. Primeau raised objections since then?

Commissioner JONES. I understand so. But he is out here now, and can answer for himself.

Senator JONES, of Arkansas. Who is that?

Commissioner JONES. Primeau, who was here the other evening.

The CHAIRMAN. Have Mr. Primeau come in, and we will find out what he has to say.

Commissioner JONES. The agent is out here, and so is Major McLaughlin.

The CHAIRMAN. Have Mr. Primeau and Major McLaughlin come in.

Commissioner JONES. And the agent also?

Senator QUARLES. Who is he?

Commissioner JONES. Mr. Bingenheimer.

STATEMENT OF G. H. BINGENHEIMER, UNITED STATES INDIAN AGENT FOR THE STANDING ROCK AGENCY.

The CHAIRMAN. We want to inquire of you in regard to the matter of the lease of the Standing Rock Reservation land. Are you the agent there?

Mr. BINGENHEIMER. Yes. What is it you wish to know about it? The CHAIRMAN. We wish to know what land you propose to lease, and what Indians are on it.

Senator McCUMBER. One lease is settled. To which do you refer?

The CHAIRMAN. I refer to the Walker lease.

Mr. BINGENHEIMER. That is very indefinite. We can not determine how many Indians do live on that tract. There is no accurate map of the reservation. But the lease provides that if Bull Head Station should come within this tract the 6 miles square are to be left out, and that would reduce it, I judge, to 75 families at least. But it is very difficult to tell. We can not locate them.

The CHAIRMAN. How are you going to act? We do not recommend the leasing of lands that the Indians want to use.

Mr. BINGENHEIMER. No; we do not propose leasing anything they want to use.

The CHAIRMAN. How are you going to act in the matter?

Mr. BINGENHEIMER. We can get the outside lines by going due north. That will give us the outside limit. To whomever is living within that limit, we purpose allowing 40 acres to each "critter;" that is, 40 acres to each head of cattle or horses.

The CHAIRMAN. How are you going to do that?

Mr. BINGENHEIMER. By fencing in.

The CHAIRMAN. They are going to fence it in?

Mr. BINGENHEIMER. Yes. The Commissioner offers them so much wire, so that they may fence it in.

Senator McCUMBER. The lessee must fence it in?

Mr. BINGENHEIMER. The lessee fences outside and the Indians inside. They will be given wire to fence off their tract.

The CHAIRMAN. Are they protected from the cattlemen?

Mr. BINGENHEIMER. Yes; by such a fence.

The CHAIRMAN. Can you give us some idea from the map what you propose doing?

Mr. BINGENHEIMER. Yes [pointing out on the map]. The Lemmon tract runs this way. Then it takes a jump and comes back here, and W. I. Walker's tract comes in here.

The CHAIRMAN. That is what the Indians complain of.

Mr. BINGENHEIMER. I did not know there was any complaint. I thought it was all settled until this evening.

Senator JONES, of Arkansas. Did they agree to the Walker lease?

Mr. BINGENHEIMER. Yes.

Senator JONES, of Arkansas. You are the agent, and ought to have known.

Mr. BINGENHEIMER. Yes; but I heard nothing about it to the contrary.

Senator JONES, of Arkansas. They have been talking to the committee for the last two or three weeks, and it is strange it has not come to your ears.

Mr. BINGENHEIMER. This matter was before the President, and it was all explained to him, and the Commissioner is doing all he can for the Indians.

Senator JONES, of Arkansas. I understood the Indians were not satisfied with the Walker lease.

Mr. BINGENHEIMER. They were when they took the matter up with the President.

Senator McCUMBER. They were satisfied, but they made a new arrangement. They went all through with it the other day.

Senator JONES, of Arkansas. I understood the agent to say that he heard no objection on the part of the Indians.

Senator McCUMBER. Since they had gotten it fixed up, I think he means.

Mr. BINGENHEIMER. Yes; that is what I mean.

The CHAIRMAN. Is there anybody here representing the Indians?

Mr. BINGENHEIMER. Yes. Mr. Primeau is the interpreter. He is here.

The CHAIRMAN. He understands the subject, is familiar with it. We would like to have him state what the trouble is.

ADDITIONAL STATEMENT OF LOUIS P. PRIMEAU.

Mr. PRIMEAU. The trouble is that the Indians want to know whether they are to be consulted as to the course of the fence to be run there.

The CHAIRMAN. What do you object to in making the lease—what do the Indians object to? You can speak for them, I suppose?

Mr. PRIMEAU. They object because they are not consulted as to the course of that fence.

The CHAIRMAN. What do they object to about the course of the fence?

Senator JONES, of Arkansas. Would they be satisfied with it if they were consulted?

Mr. PRIMEAU. They want to be consulted as to what was the understanding when they signed a certain agreement.

Senator JONES, of Arkansas. If consulted, would they be satisfied?

Mr. PRIMEAU. Yes; if they got certain concessions, if it be within reason—something they wanted at the time they signed the petition to the Commissioner of Indian Affairs.

The CHAIRMAN. Do you know what the Indians want?

Mr. PRIMEAU. Yes; I know.

The CHAIRMAN. Tell us in a short way what it is.

Mr. PRIMEAU (indicating on the map). This up here is the part they wanted formerly. The Lemmon tract of land comes in here where this mark is. It makes an L shape there.

The CHAIRMAN. There is no objection to that now?

Mr. PRIMEAU. No.

The CHAIRMAN. Now, as to the Walker tract. What is the objection to that?

Mr. PRIMEAU. That is thickly settled in here [indicating on map], and they would rather that the cattlemen should be separate from the Indians, and whatever is left to the Indians should be in common.

The CHAIRMAN. They want the fence between the cattlemen and themselves, so that what they have may be in common?

Mr. PRIMEAU. Yes; what is left they want for themselves.

The CHAIRMAN. Is there any difficulty about doing that?

Senator QUARLES (to Mr. Bingenheimer). Is there any objection to doing that?

Mr. BINGENHEIMER. I do not understand.

Senator QUARLES. They want the cattlemen separate from the Indians, so that whatever is left may be to the Indians in common.

Mr. BINGENHEIMER. That is what the Commissioner is proposing to do.

The CHAIRMAN (to Mr. Primeau). Can you state any point for this fence?

Mr. PRIMEAU. They are willing to give 25 miles of the western boundary of the reservation clear through.

Senator JONES, of Arkansas. Will that take in the Indians?

Mr. PRIMEAU. That will take in about fifteen or twenty families.

Senator JONES, of Arkansas. Sioux?

Mr. PRIMEAU. Yes.

Senator JONES, of Arkansas. Do they object to those being included in that lease?

Mr. PRIMEAU. They did in the first place. But all they want is what is halfway right.

The CHAIRMAN. They are willing to give a lease running for how many miles?

Mr. PRIMEAU. Twenty-five miles.

The CHAIRMAN. Running up to what?

Mr. PRIMEAU. The east and west line.

The CHAIRMAN (to Mr. Bingenheimer). Would a lease of that kind be satisfactory?

Mr. BINGENHEIMER. I do not think it would.

The CHAIRMAN. How do you want it?

Mr. BINGENHEIMER. The way I think it ought to be is this: The Indians are continually complaining that they are not getting enough to eat. [Indicating on map.] Here they have a great, vast country, the Grand River running in here, that they are getting nothing from. If it is excluded it would exclude the water, and it would be practically useless.

The CHAIRMAN. What is the lease that you want?

Mr. BINGENHEIMER. The proper lease.

The CHAIRMAN. They say 25 miles. How far would you go?

Mr. BINGENHEIMER. Forty-nine miles.

The CHAIRMAN. And then straight up?

Mr. BINGENHEIMER. Yes. And here is the jump [indicating on map].

The CHAIRMAN. That includes how many families?

Mr. BINGENHEIMER. That would include, possibly, 80 families. Yes; I do not believe it would include any more than that.

The CHAIRMAN. Eighty families means a good many persons.

Mr. BINGENHEIMER. Yes.

Senator JONES, of Arkansas. I thought Mr. Primeau said it would include 161?

Mr. BINGENHEIMER. Bull Head Station comes out, six miles square, which is very thickly settled.

Senator JONES, of Arkansas. Does not that come in the Walker lease?

Mr. BINGENHEIMER. Six miles square is not intended to be leased. That is cut out.

Senator JONES, of Arkansas. Answer my question. Does the Walker lease cover the Bull Head Station part of the country?

Mr. BINGENHEIMER. We are not sure about that.

Commissioner JONES. The lease provides that if that comes within the boundaries it is to be taken out.

Senator JONES, of Arkansas. I understand that. But I want to know whether it is included in the lines of the Walker lease or not?

Mr. BINGENHEIMER. The surveyor who had a contract to survey it last year figured that from the west line of Standing Rock Reservation to Bull Head Station was 50 miles. If that be correct, it is outside of the lease. But it is not definite; it has not been established.

The CHAIRMAN. What kind of lease are the Indians willing to make?

Mr. PRIMEAU. We are willing to give them 6 miles more.

The CHAIRMAN. There are 18 miles of difference between you?

Mr. PRIMEAU. Which is 18 miles across our reservation.

The CHAIRMAN. The Indians could not throw any light on the subject? That you do not know?

Mr. PRIMEAU. They could not tell you anything more than that. They could simply tell you what they originally wanted when they signed that petition and sent it in here.

Senator JONES, of Arkansas. I would like to ask Commissioner Jones what he purposes doing with the Indians at Bull Head Station, the reservation outside? What is your idea of the way they are to be taken care of? Are they to be included in the fence or separated from the inclosure?

Commissioner JONES. They are to be fenced in the inclosure. Their holdings are to be fenced up.

Senator JONES, of Arkansas. Who is to do the fencing; they or the cattle men?

Commissioner JONES. They are to do the fencing, but we furnish the wire.

The CHAIRMAN. How far would they have to haul the wire? Is it on the land?

Commissioner JONES. I do not know. The agent has it.

The CHAIRMAN. How do you propose that they shall do the fencing to protect themselves from the cattle men? [Addressing Mr. Bingenheimer.]

Mr. BINGENHEIMER. There is no question about that. It is 65 miles from Bismarek, and Fort Yates is 50 miles from the proposed lease; and when they need the wire the Indians will haul it.

Senator JONES, of Arkansas. Are the Indians to get the posts themselves and set them?

Mr. BINGENHEIMER. Yes. The old men are not to do that, but we are to pay the able-bodied Indians to do it.

The CHAIRMAN. The Government will do that?

Mr. BINGENHEIMER. Yes.

Senator JONES, of Arkansas. I thought the Indians were to do that.

Mr. BINGENHEIMER. The able-bodied Indians do that, but the old men do not do it; the Government has it done for them.

Senator JONES, of Arkansas. I want to know whether the Government does it or the Indians?

Mr. BINGENHEIMER. I say the Indians do it. I say, when the Indian is physically able to do that we give him the material out of which he can build his fence. If there be an Indian so old that he can not do it, we hire an able-bodied Indian to build the fence for him.

Senator JONES, of Arkansas. If he be able-bodied he builds the fence himself?

Mr. BINGENHEIMER. Yes.

Senator JONES, of Arkansas. If not able-bodied, you hire somebody to do it for him?

Mr. BINGENHEIMER. Yes.

The CHAIRMAN. You allow the Indians 40 acres for each head of cattle. Are they to fence those lots separately, or are they to fence in common against the cattlemen?

Mr. BINGENHEIMER. If they are close enough together they may fence in one inclosure, and if they are too far apart they may inclose separately.

The CHAIRMAN. If the 80 families are to fence up the given tract, there will be a good deal of fencing.

Mr. BINGENHEIMER. Each one fences his own tract.

Senator HARRIS. The agent says that they fence up their own tract.

Mr. BINGENHEIMER. Ten miles and a half of fence, one man's holding, have been figured on.

Senator CLAPP. How much fencing would it be?

Senator JONES, of Arkansas. Ten miles of fence.

The CHAIRMAN. If they are to fence it in separate tracts before the grazing season comes on this year they will have to work pretty lively.

Senator QUARLES. They can not do that.

The CHAIRMAN. If they fence all in common, and the Government furnish the wire and give them its assistance, it would be possible.

Mr. BINGENHEIMER. They will have the fence up by the 1st of July or earlier than that.

Senator JONES, of Arkansas. The cattle running over the cattle lands will have no grass to feed on in winter, and the guaranty that the Indians would have the fence up the 1st of July would not do much good—it would not keep the cattle fed very long.

The CHAIRMAN (addressing Commissioner Jones). Can you not make a contract with the cattlemen so that they shall make a fence around what they occupy and leave the other out?

Commissioner JONES. What who may occupy?

The CHAIRMAN. What the cattlemen may occupy. They can fence around it. Suppose they occupy three or four townships in there, they can fence right in there and exclude it from the range.

Commissioner JONES. That would shut out all the water.

Senator JONES, of Arkansas. Is there any water except in that one creek?

Commissioner JONES. I understand that is the best part of the lease.

Mr. PRIMEAU. There is plenty of water in there. That is the choice range, where cattle are thickest in winter and summer.

Commissioner JONES. I think that Major McLaughlin can explain that better than anybody else.

STATEMENT OF JAMES M'LAUGHLIN.

Mr. McLAUGHLIN. Mr. Chairman and gentlemen of the committee, I was agent at Standing Rock for fourteen years, and am quite familiar with the country. I located the Indians that are along the Grand River, commencing back in the early eighties. Along on the line indicated, I suppose there are about 50 families. It is fifteen years since I left there, and I suppose a number of families have moved up the river. I was present when this matter was discussed last week in the presence of the President, and, as I understand it, the agent and the interpreter were also there.

The cattlemen should fence along and leave runways for the cattle

to get to the water [indicating on map]. They should shut in that entire tract. That is the best portion of the cattle range. I know that 25 miles on this side would leave three or four families. Mr. Primeau states that there would be ten or fifteen. On the west side of the river, there are no Indians. That is for the protection of cattle. In dry and cold weather this would be valuable. What I understand from Mr. Primeau is, that you should have the Indians here and run fences inclosing 3, 6, 8, or 10 families, and have it so as to leave runways and driveways for the cattle through to the river. There is a good deal of land to the south of the river that would be included in Mr. Walker's lease that would not be occupied at all unless a portion of the river were in it.

The CHAIRMAN. You want runways. Can you put words in that lease whereby the cattlemen will be required to fence their land so as to leave the Indians outside of their fencing—that is, give them the chance to put their runways in and so fence their runways as to separate them from the Indians without compelling the Indians to build fences?

Mr. McLAUGHLIN. I do not think there is a very great change in a portion of that. I know that there are families—8, 10, or 15—in one settlement, and then for 2 or 3 miles there is not one.

The CHAIRMAN. Will the cattlemen make runways down there?

Mr. McLAUGHLIN. Those runways on the range could be a half mile, three-quarters, or a mile to 2 miles long, and direct to the river.

The CHAIRMAN. Why can not the cattlemen make their runways and leave the Indians in possession of the lands they occupy? Can not that be done?

Mr. McLAUGHLIN. I think that could be done.

Senator JONES, of Arkansas. How much of that tract is above the eastern part of the Lemmon tract?

Mr. McLAUGHLIN (indicating on map). Clear up here.

Senator JONES, of Arkansas. Clear through the land included in the Lemmon lease?

Mr. McLAUGHLIN. Yes.

Senator JONES, of Arkansas. What reason is there why they would not have protection for their cattle in getting the water west of that western line?

Mr. McLAUGHLIN [indicating on map]. The lease would extend down here.

Senator JONES, of Arkansas [indicating]. But they would not come down here for water, would they?

Mr. McLAUGHLIN. Yes [indicating on map]. There is Hot Creek and Rock Creek, and several others.

Senator JONES, of Arkansas. The cattle in the winter would not come up here [indicating].

Mr. McLAUGHLIN. No.

Senator JONES, of Arkansas. If they had this place 25 miles wide, it seems to me it would not be very far from here [indicating]; and there is no necessity for having access to this river here [indicating], if they had 25 miles of access there.

Mr. McLAUGHLIN. In the winter that creek usually has water in it. But I have known seasons when there was not a bit of water in it.

Senator JONES, of Arkansas. Why can they not come to this creek here [indicating]?

Mr. McLAUGHLIN. Cattle can not go more than 10 miles to water. Senator JONES, of Arkansas. Is it 10 miles to here [indicating]?

Mr. McLAUGHLIN. That is a creek.

Senator JONES, of Arkansas. If they have creeks, there would be no necessity for going to the runway?

Mr. McLAUGHLIN. If cattle have to walk 10 miles a day back and forth, it walks the flesh off of them.

Senator JONES, of Arkansas. If they have creeks up there [indicating], there is no necessity for going to the water here [indicating].

Mr. McLAUGHLIN. I have known that up here [indicating] to be without a particle of water in it.

Senator JONES, of Arkansas. Then the necessity for having the cattle here [indicating]?

Mr. McLAUGHLIN. The same will apply to the eastern portion of the Lemmon lease.

Senator JONES, of Arkansas. They must have water.

Mr. McLAUGHLIN. Then they could get water in Cedar Creek?

Senator JONES, of Arkansas. They could not occupy the ground unless they could get to Cedar Creek.

The CHAIRMAN. Can you word a lease so that the cattlemen may have a runway to the river and avoid taking in these families?

Mr. McLAUGHLIN. I think the lease is properly worded at the present time. I think the understanding with the contractors and lessees was that the tract is to be fenced with the runways, because Mr. Lemmon talked with me about having runways to the river.

The CHAIRMAN. I do not think the Indians can build the fences in this year.

Mr. McLAUGHLIN. Those Indians are good fence builders. They can build fences to equal the white men, and rapidly. The only trouble is to fence individual holdings, which would take a good deal of posting.

Senator JONES, of Arkansas. In the lease which you have proposed here they are to immediately put fences all around the reservation?

Commissioner JONES. There is no time in which to do it.

Senator JONES, of Arkansas. I supposed it was required as a part of the contract that they should do it.

Mr. McLAUGHLIN. As a part of the contract they are to build a certain fence outside of the boundaries.

Senator JONES, of Arkansas. There is no limit of time as to when that should be done?

Commissioner JONES. No. They usually go to work in the spring when the weather will permit.

Mr. McLAUGHLIN. The cattle drift over there because there is no fencing.

Commissioner JONES. That is the reason why I desire to have the Indians lease their land [indicating on map]. That is a portion that is overrun with other cattle.

Senator JONES, of Arkansas. I can conceive that that would be so. Why is it not practicable for you to provide in the lease for the lessees to put fences around where there is an Indian settlement, a quantity of land needed for these Indians? While they are building those fences, why should not you put fences around to take care of the cattle?

Commissioner JONES. I have no doubt but that they will take care of everything the Indians want.

The CHAIRMAN. You will have to word it so that it can be satisfactorily arranged. Agree upon it with the cattlemen, and word it in your lease.

Senator HARRIS. What is the difference between doing it in that way and doing it as the Commissioner says, so far as the cattlemen are concerned? Let the Indians do the work, and the Government furnish the wire.

The CHAIRMAN. When you fence off separately you treble and quadruple the fences. They would want several in common, but not one for all of them.

Senator QUARLES. There is no objection to building. Suppose five or six of them want it through their land in common, there is nothing to restrain them from doing it, is there?

Commissioner JONES. Nothing whatever.

Senator QUARLES. The Government furnishes the stuff; they do the work. It seems to me there is no hardship upon them.

Commissioner JONES. You have been feeding these Indians for a number of years. Is it a hardship to require an able-bodied Indian to build his own fence?

Senator JONES, of Arkansas. There is no objection to asking an able-bodied Indian to do it. But to ask the men to build miles of fences, would be making a difficult job of it.

Commissioner JONES. There are many families there with five men in them.

Senator JONES, of Arkansas. Not five men?

Commissioner JONES. Usually two or three grown men, and they can do it without any trouble at all. But if any man should be unable to do it, we will do it for him.

Senator CLAPP. I understand they would not want to fence their grazing land; they would only want to fence the lands they want to use for water.

Mr. PRIMEAU. No; they fence each man's holding of 40 acres, unless there be a neighbor nearby, when they may fence in common.

Senator CLAPP. They would be better off not to have any fence.

Senator QUARLES. I understand there is nothing to prevent the doing of that. Suppose six of them in common want their fence, there is nobody to restrain them from doing it.

Senator JONES, of Arkansas. The statement was made that their mowing land was sometimes distant from their pasture land. If they are to fence in 40 acres, they would not have any meadow land at all.

The CHAIRMAN (to Mr. Primeau). If you were to fence in your lands by yourselves, or separately, if you please, and you were to leave runways to go down to the river, could you carry that out?

Mr. PRIMEAU. Yes. That is what they want—the reservation on Bull Head Station—whatever is west of it to themselves, outside the limit.

The CHAIRMAN. Who builds the outside fence?

Mr. PRIMEAU. The cattlemen have to build right around them. If they allow them to take this Walker tract, each man has to fence his holding.

The CHAIRMAN. He may fence it by himself or in common with others?

Mr. PRIMEAU. Yes; if they are together. But they are very well scattered.

The CHAIRMAN. Are you satisfied that each man should fence his own holdings?

Mr. PRIMEAU. They can not dig post holes, and then wagon the steel, and sharpen the post, and set it in the ground. Thunder Hawk says he would not do it. He said he would stay on horseback and keep those cattlemen away before he would do the fencing.

Senator HARRIS. How far would the post holes be apart?

Mr. PRIMEAU. Two rods.

Senator JONES, of Arkansas. It would not be difficult for the cattlemen to build the fences.

Commissioner JONES. The lower portion of lease, below the Grand River, is a large tract. If they take that tract they would have to run up probably 20 miles, including part of this [indicating on map]. There they could fence in the individual holdings or let them run loose. The tract is too large to fence in common.

Senator JONES, of Arkansas. You do not seem to get my idea.

Commissioner JONES. Possibly not. Step to the map, and I will show you what I mean [indicating on map]. The Indians are located on this Grand River.

Senator JONES, of Arkansas. Yes; that is what I understood.

Commissioner JONES (indicating). Here is a portion of pasture land. Here is a portion for the cattlemen. I do not understand what you mean. If they fence up that way they will fence out every tract.

Senator JONES, of Arkansas (indicating). Suppose they build this line around here, then let them come down here, go across there, and then come down here, leaving this part of the reservation out of the pasture altogether.

Commissioner JONES (indicating). Here is a part that nobody is using.

Senator JONES, of Arkansas. There would be no difficulty about that. The chief objection I see about that is the one pointed out by Major McLaughlin, and that is the want of water.

Commissioner JONES. What would you do with this part of the tract?

Senator JONES, of Arkansas. If they want that, they could run the fence on that side [indicating].

Commissioner JONES. But they want access up there [indicating]. This part has 250,000 acres below this river. This whole tract, 460,800 acres, takes in all this square portion.

Senator JONES, of Arkansas. From the river down?

Commissioner JONES. Yes. That river is above the middle section. There are only 200,000 acres north of the river. This part would be practically useless. Most of the Indians live along here [indicating].

Senator JONES, of Arkansas. Is there room enough along here [indicating]? Is there pasture land enough for the Indians?

Commissioner JONES. They do not begin to occupy it.

Senator HARRIS. Would the lessees require that for cattle, or the Indians?

Commissioner JONES. No.

Senator HARRIS. They can let their cattle range with the lessees' cattle?

Commissioner JONES. Yes.

Senator HARRIS. There is no difficulty about that. They can round them up and do away with this fencing altogether.

Commissioner JONES. That is what I suggested.

Senator HARRIS. Let it be for the benefit of the general range.

Commissioner JONES. Yes. That was my suggestion in the first place.

Senator QUARLES. Will the Indians object to that?

Commissioner JONES. That is what they are objecting to. In the Osage country there are hundreds of Indian cattle running along with the lessees' cattle, with a separate brand on them.

The CHAIRMAN (addressing Mr. Primeau). The Indians with you want them separate?

Mr. PRIMEAU. Yes; they want them separate.

Senator HARRIS. What is the objection they make?

Mr. PRIMEAU. It will precipitate trouble if those wild cattle are in with the Indians' cattle. Then they can not have any fencing of the meadows.

Senator HARRIS. The fencing of the meadows will be comparatively little trouble compared with the fencing of the ranges.

Senator QUARLES. There would be little trouble except in the round-up.

Mr. PRIMEAU. That is the trouble. There would be an open trail from the agency to the different towns where they hold United States court if the cattle ran together.

Commissioner JONES. Just south of the Cheyenne River the cattle are running free without paying anything to the Government. It will be but a very little while before the condition on the Standing Rock will be the same as down here [indicating on map], and we will be helpless to protect the Indians. We could not keep them out.

Senator JONES, of Arkansas (indicating on map). Does all that belong to the Indians?

Commissioner JONES. Yes; the Sioux Indians.

Senator JONES, of Arkansas. Are there any Sioux living on it?

Commissioner JONES. Yes. They consented to lease this western portion of that reservation.

Mr. BINGENHEIMER. It would be a considerable matter to the Indians—pretty nearly \$40,000 a year.

Senator HARRIS. Why should there be trouble with the cattle under their proper brand and the owners on the ground to look out for them? I do not see why there should be a trail open to any court.

Mr. PRIMEAU. There is a good deal of trouble over the calves, the maverick, as they are called. The steers will go to the cows, or something of that kind, and different things of that kind will precipitate trouble.

The CHAIRMAN. The Indians are outside and wish to come in. I would be willing to allow two or three of them to come in and occupy about five minutes of the time of the committee.

Mr. McLAUGHLIN (indicating on map). There is a trail 6 miles in width. They pay 25 cents a head for branding the cattle from the ranges and shipping them out in the fall. In this tract on the Grand River there is some of the very best land on the trail, and the cattle would eat the grass off and the Indians would receive nothing for it. I think it very important that this should be off from the other.

The CHAIRMAN. Have the Indians come in for a moment. As we have received several letters from them, it might be well to hear them.

Senator QUARLES. They will be here all winter.

The Sioux Indian delegation appeared before the committee.

STATEMENT OF THUNDER HAWK (THROUGH THE INTERPRETER, LOUIS P. PRIMEAU).

THUNDER HAWK. The first time word was sent out that we wished to lease a certain portion of our reservation, we did not understand; but the second time we decided to lease a certain portion of the reservation.

The CHAIRMAN. What have you to say about the Walker lease?

THUNDER HAWK. We are willing to lease the land, but we want the privilege of designating the boundaries of the piece of land to be leased.

The CHAIRMAN. Which boundaries are you willing to lease?

THUNDER HAWK. I followed down the half-mile posts between the two States, down here [indicating on map], until I got sufficiently far, and then I passed over south into Grand River, and then made a diagonal line to my place. I think that we have been misunderstood in our proposition. This was decided upon in a general council of all the Indians, and there was a committee of three appointed, one of which was myself, Walking Shooter, and the agent, with the interpreter, to see which way that line should go, and we have waited all winter with the understanding that in the spring we should go out and show the agent where the Walker lease would go.

STATEMENT OF AN INDIAN DELEGATE (THROUGH THE INTERPRETER, LOUIS P. PRIMEAU).

The CHAIRMAN. The interpreter will show you where the Walker lease would come. (The boundaries having been pointed out.) I ask you what objection there is to having it come down to where it would, 48 or 50 miles down there. What is the objection to that?

The DELEGATE. My reasons for not wanting to lease that portion of the land are that we want that for ourselves, and we want to leave cattle and other things of that kind for future generations.

The CHAIRMAN. How many Indians are on that part of the reservation?

The DELEGATE. It is hard to tell just where that line crosses.

STATEMENT OF ANOTHER INDIAN DELEGATE (THROUGH THE INTERPRETER, LOUIS P. PRIMEAU).

The CHAIRMAN (the interpreter having pointed out the line referred to). How many Indians are there?

The DELEGATE. From Bull Head Station up to where Thunder Hawk lives there are 172 families.

Senator JONES, of Arkansas. Do any live beyond Thunder Hawk?

THUNDER HAWK. Quite a number beyond me.

Senator JONES, of Arkansas. About how many families?

THUNDER HAWK. I think, counting those living up the river from me, would make 117 families living up the river from me.

Senator JONES, of Arkansas. How many living from Bull Head Station to beyond Thunder Hawk?

Mr. PRIMEAU. One hundred and seventeen.

Senator McCUMBER. Suppose the line to run 2 miles west of Bull Head Station, then how many families would be living there—assuming that your man was correct in his survey?

Mr. PRIMEAU. I judge about 10 families.

The CHAIRMAN. Are there any other questions that it is desired to ask these Indians? If not, we will excuse them.

The delegation retired.

STATEMENT OF MR. WILLIAM M. SPRINGER.

Mr. SPRINGER. Mr. Chairman and gentlemen of the committee, the Indians have stated to me that they were willing to lease their unoccupied land; but that, in agreeing to that, it was understood that they were to designate themselves, by a committee of their own people, the lands that were unoccupied. Instead of that agreement being carried out, they say they have not been allowed to designate such land. They want now simply the privilege of designating the unoccupied portion of the land which they are willing to lease. But they are unwilling to rent those lands they want for their own purposes.

The CHAIRMAN. Is there any way in which you can designate on the map, or by words, in which the lease could be drawn to satisfy the Indians?

Mr. SPRINGER. They explain that they desire a committee of three to go on the ground and stake off, as they say, the lands which they are willing should be leased, and the rest they want for their own purposes. They state that there was an agreement with the agent that they should appoint a committee of three persons to stake off the land.

The CHAIRMAN (addressing Mr. Bingenheimer). Is that true?

Mr. BINGENHEIMER. They were to go with me, and they were to assist me in marking off the entire land.

The CHAIRMAN. Did you do that?

Mr. BINGENHEIMER. We have not had time.

Mr. SPRINGER. These leases cover lands that they want to occupy themselves.

The CHAIRMAN. That was the agreement, then; that they should designate what they wanted to lease and you were to go with them? Has that been done?

Mr. BINGENHEIMER. No.

Mr. SPRINGER. If you take them around into the inclosure, they themselves will designate the land.

The CHAIRMAN. The lessees are to fence their own land?

Mr. SPRINGER. No; they are to fence themselves outside of the reservation.

The CHAIRMAN. The lessees are to fence themselves out and leave the reservation to the Indians?

Mr. SPRINGER. No; the Indians are to be fenced out of their portion.

The CHAIRMAN. Who is to build the fence between the Indians and the lessees?

Mr. PRIMEAU. The cattlemen.

The CHAIRMAN. They are to build the fence?

Mr. PRIMEAU. Yes.

The CHAIRMAN. Then they are to fence themselves out of the reservation?

Mr. PRIMEAU. Yes.

The CHAIRMAN (addressing Mr. Bingenheimer). Was that the understanding?

Mr. BINGENHEIMER. You do not understand Mr. Primeau.

Senator CLAPP. He does not understand you, Mr. Chairman. The Indian is to build the fence around his own particular tract. Is not that the fact?

Mr. SPRINGER. No.

Senator JONES, of Arkansas. The Indians claim that they agreed to lease their unoccupied lands and that there was a committee appointed to designate what was unoccupied land. The agent said that was not done, but that they are leasing the lands that were not marked out, not unoccupied lands.

Mr. SPRINGER. That is correct.

Mr. BINGENHEIMER. In the council the Indians agreed to lease the unoccupied portions of the reservation. Afterwards I went to the office, and the chiefs came in and said, "We want Thunder Hawk and Walking Shooter to go with you and the interpreter to assist you in laying out this land."

Senator JONES, of Arkansas. Did you do it?

Mr. BINGENHEIMER. No.

Senator JONES, of Arkansas. Mr. Commissioner, you said that was not true. Why not?

Commissioner JONES. Simply because the lease provides that occupied lands shall be excluded.

Senator JONES, of Arkansas. The statement was that the unoccupied lands were to be leased, and a committee was to be appointed to mark out the unoccupied land, and that has not been done.

Commissioner JONES. The occupied lands are to be marked out.

Senator CLARK, of Montana. The converse of that is true.

Senator DUBOIS. I would suggest that Mr. Springer state what he understands to be the understanding of the Indians, and then let the agent or Commissioner answer that and eliminate all the balance. Then we will understand what the difference is.

The CHAIRMAN. Very well.

Mr. SPRINGER. The first proposition was to establish what was known as the permit system, a short term of lease. The Indians objected to that very much, and, as a counter proposition, suggested that they were willing to lease their unoccupied lands. The Indians in council wanted to designate what were unoccupied lands, and it was suggested to them that it would take too much time and trouble, and it would not do very well, but that they should make a short-time lease. Then there was to be a committee of three appointed. They were to go with the Indians and mark out, by stakes, the unoccupied portion included in the lease. As a corollary of that, when you mark off one you mark off the other. The committee was willing to do it; but without waiting for the committee to designate the land, the Department has proceeded to lease the land, which the Indians claim embrace some 300,000 or 500,000 acres of land which they have been using for pasturage of their own cattle and stock.

If the Department will withhold this lease and allow the Indians to select three men—allow the committee to go out and stake off the land that the Indians have leased, there will be no trouble. They should be marked off on the ground, as it can not be done on the map. It must be done on the ground. You can not tell where they have pas-

tures. They should go out several miles. They should go along with the agent and stake off, with stakes large enough to be seen, everywhere on the ground the lands which they want to lease. That has not been done, and the Indians are insisting that it should be done before anything else shall be done. They claim that the Lemmon and Walker leases embrace lands which they occupy for their own purposes, and which they never consented, in writing or otherwise, should be embraced in the leases with the cattlemen.

The CHAIRMAN. Who was there when this was done?

Mr. SPRINGER. Mr. Primeau was there, and the agent was there.

Senator QUARLES. There is no difference between these parties.

The CHAIRMAN. The agent will state, if he can, what the agreement was. Let us see if there be any disagreement. It appears to me that there is not much difference between them. What is the agreement? Has it been correctly stated by Mr. Springer? Wherein does he make a mistake?

Mr. BINGENHEIMER. The Indians were told just exactly where it was to begin. They never said there were three Indians, but two.

Senator JONES, of Arkansas. Never mind the number. You named three.

Mr. BINGENHEIMER. No; I did not.

Senator JONES, of Arkansas. You said Thunder Hawk, Walking Shooter, Primeau, and yourself.

Mr. BINGENHEIMER. Mr. Primeau was the interpreter.

The CHAIRMAN. Have you done that yet?

Mr. BINGENHEIMER. No. It was cold weather, and we could not do it in the winter time.

The CHAIRMAN. You and the committee were going to determine that?

Mr. BINGENHEIMER. They told me that after they agreed to sign this lease.

Senator QUARLES. If I understand aright, there is no trouble about it at all. That lease provides that the occupied lands shall be excluded from the lease. Is not that right?

Mr. BINGENHEIMER. Yes.

Senator QUARLES. To make it conclusive, if that has not been done, put in the lease the manner in which that shall be determined. When that shall have been done, there will be no trouble at all.

The CHAIRMAN. Let it determine the limits of the lease.

Senator QUARLES. They have not put in the method; but they say that the occupied lands shall not be within the lease.

Senator CLARK, of Montana. Is there a copy of that lease here? See what the lease itself says.

Senator QUARLES. It is said that that is the way it was understood—that that is the way it was to be marked out; they were to go and lay it out on the ground. You can not do it in any other way, because you have no accurate map. They have agreed to take three men. That is all right. Let them go and lay out their lines.

Senator HARRIS. The Indians were to show them which were occupied and which were unoccupied lands.

The CHAIRMAN. Put it in the lease that the lines shall be determined by these three men.

Mr. J. A. TRUESDELL. The lease is executed so far as it is possible, and these Indians have not been consulted in regard to it.

Commissioner JONES. The exterior boundary of the lease has been

designated in the lease. There is no question about that. I say the interior portions which these Indians want to use for their own purposes has not been designated. But the lease provides for any holding which the Indians want under the lease.

Senator JONES, of Arkansas. But that is not the agreement which these Indians say was the understanding of the lease.

Commissioner JONES. It is the difference between tweedledum and tweedledee.

Senator JONES, of Arkansas. There is a good deal of difference.

Commissioner JONES. What is the difference?

Senator JONES, of Arkansas. The committee was to point out to the agent what was unoccupied land. When you go out, you point out a lot of land they have not designated, and you say if there are some who do not want to stay in it they may fence off their land.

Commissioner JONES. Anything that is not unoccupied is occupied land.

Senator CLARK. It is all designated in this lease by metes and bounds.

Commencing at the southwest corner of the reservation, thence east along the boundary line between the Standing Rock and Cheyenne River reservations about nineteen miles to the range line between ranges twenty and twenty-one; thence north on said range line about twenty-four miles to the township line between townships twenty-one and twenty-two; thence east on township line about thirty miles to the range line between ranges twenty-five and twenty-six; thence north on said range line to the north boundary of South Dakota; thence due north to the township line between townships one hundred and thirty and one hundred and thirty-one, in North Dakota; thence west on said township line to the Cannon Ball (or Cedar) River; thence in a westerly and southwesterly direction along said river to the northwest corner of the reservation; thence south along the west boundary of the reservation to the place of beginning, containing an estimated area of 788,480 acres, more or less.

Mr. SPRINGER. The only difference is whether the Indians are to designate the unoccupied portions of the land or the Department is to do it.

The CHAIRMAN. I believe in keeping faith.

Mr. BINGENHEIMER. I do not contend that the Indians were to tell me which were the unoccupied lands.

Senator JONES, of Arkansas. Who is to do it?

Mr. BINGENHEIMER. I, as the representative of the Government, am to do it under the terms of the lease.

Senator JONES, of Arkansas. What is the use of the Indians pointing it out at all if you are to do it under the terms of the lease?

Mr. SPRINGER. The Indians were to designate by this committee of three the lands which are unoccupied.

The CHAIRMAN. I would like to have the understanding of the Indians.

Mr. SPRINGER. We understood that we were to designate the boundaries unoccupied; always understood that, and we are waiting the opportunity to do it.

Senator JONES, of Arkansas. Did they all understand it so?

Mr. SPRINGER. Yes.

Commissioner JONES. Here is the provision:

It is also expressly agreed that all allotments of land in severalty, and all farms, gardens, and other improved holdings of individual Indians shall at all times be kept free from damage or interference by the stock and employees of the said party of the second part.

Senator JONES, of Arkansas. That lease does not seem to go into the agreement here.

Mr. SPRINGER. It was with the grazing lands in the little inclosure. They wanted the range for their cattle. That is what they wanted excluded.

The CHAIRMAN. The Indians were to lease unoccupied lands, and it was their understanding that there was to be a committee of three appointed to designate them. That should be carried out.

Senator CLAPP. Who is to enforce that under this lease?

Mr. SPRINGER. Who is to enforce it?

Senator CLAPP. The Department?

Mr. SPRINGER. If they will.

Senator JONES, of Arkansas. It was specifically set forth by the agent and by the Indians themselves, and it seems to me there is no consent to anything else.

Senator CLAPP. Under this lease I do not see why they can not go on there and make this designation.

Senator JONES, of Arkansas. This designation; yes.

Senator CLAPP. That is what I say.

Senator JONES, of Arkansas. These boundaries would not be affected by the designation made by them.

Senator CLAPP. Certainly not.

The CHAIRMAN. Put that into the lease, and then there will be no question about it.

Senator CLAPP. That is what I say.

Mr. TRUESDELL. It was not until the Indians came to Washington that they heard what the proposition was—that they were to inclose their lands with a wire fence. The proposition is that the Government shall furnish the wire, and the Indians shall get the posts, dig the holes, and put them down. But we do not know where the wire is, whether at Bismarck or where. We do not know where the posts are. And it puts upon the Indian with 100 head of cattle the necessity of putting up 10½ miles of fence to close them in. I have figured it all out carefully.

Senator CLAPP. Where is the clause relating to Indians doing the fencing?

Commissioner JONES. There is none.

Mr. BINGENHEIMER. When we came here, Mr. Primeau told me if the Indians were given the wire they would be satisfied.

The CHAIRMAN. We want to keep the agreement.

Senator CLAPP. Are the Indians to have any right under this lease to have the limits under fence?

Commissioner JONES. All the holdings are to be inclosed within a fence.

Senator CLAPP. The question is whether that would cover grazing lands.

Commissioner JONES. It covers all the Indian's allotment or selection.

Mr. TRUESDELL. If the Indian's cattle increase above 100 head, he may keep his cattle within this inclosure by paying \$1.20 a year per head. But he must fence his cattle in there.

Commissioner JONES. No; he may have his cattle wherever he wants them.

The CHAIRMAN. Is there any difficulty in wording the lease so that

the designation may be made according to the agreement—that the boundary shall be designated by this committee which you have agreed upon? Is there any difficulty about that?

Mr. SPRINGER. The difficulty is this: They want to preserve their range privilege. If you will allow the Indians to point out the boundary of the unoccupied lands, they will make no objection.

The CHAIRMAN. With that provision in it, the Indians will have no objection?

Mr. SPRINGER. The lease will be made if the designation is made in that way.

The CHAIRMAN. Suppose you make a lease now declaring that the boundaries shall be as designated by that committee?

Senator HARRIS. You can not make a lease until the boundaries shall have been designated.

The CHAIRMAN. Yes; you can make an agreement.

Senator HARRIS. You may give them the power to designate the limits of the land to be leased.

Mr. SPRINGER. Yes; give them the power to designate the limits of the land.

Senator CLARK, of Montana. Has not this lease been already executed?

Commissioner JONES. One of them has been executed—the Lemmon lease.

The CHAIRMAN. The Lemmon lease does not interfere with the positions of the Indians.

Mr. PRIMEAU. It would, but they are willing to concede that if you will fix the Walker tract.

Senator CLARK, of Montana. The Walker lease has not been executed.

The CHAIRMAN. No. Why can you not make the Walker lease read so that the boundaries may be fixed by this committee, letting the other, the Lemmon lease, stand?

Commissioner JONES. It depends on what you call the boundaries. If they be what the Indians may designate, simply the portion they want to lease, and exclude the other, you might exclude the Lemmon lease.

The CHAIRMAN. Have you made an agreement with the Indians?

Commissioner JONES. The agent said there was no agreement.

Senator JONES, of Arkansas. He said there was. The law requires that the consent of these Indians shall be had with regard to whatever shall be done with this land; and the statement was made by the agent that these Indians, in their council, provided that a committee should be appointed to designate what were the unoccupied lands, and there can be nothing else done under the law in regard to this agreement.

Commissioner JONES. There is nothing of that kind on the record.

Senator JONES, of Arkansas. It makes no difference what is on the record.

Commissioner JONES. The agreement was that they should lease the unoccupied lands.

Mr. BINGENHEIMER. We had our council of Indians, and they agreed to lease this land.

The CHAIRMAN. The unoccupied lands?

Mr. BINGENHEIMER. Yes; the unoccupied lands.

The CHAIRMAN. What is your understanding of unoccupied?

Mr. BINGENHEIMER. They came to me and said, "We want Thun-

der Hawk and Walking Shooter to assist you and the interpreter to go out there and stake it out;" and I agreed to it.

The CHAIRMAN. You agreed to it. Then they wanted you and these gentlemen to lay out the unoccupied lands?

Mr. BINGENHEIMER. Yes.

The CHAIRMAN. Why should it not be done now? Why not do just what you agreed to do? Then it would be entirely satisfactory to the committee and everybody else.

Mr. BINGENHEIMER. Let me go home with the Indians and have the outsiders let them alone, and the Indians will be satisfied.

Senator JONES, of Arkansas. So far as I am concerned, I will say that the law requires that these Indians shall consent to whatever lease shall be made, and, according to your statement, they were to point out what were unoccupied lands. That is the understanding. So far as I am concerned, I do not purpose leaving it to you to say that they shall agree to a lease that they have not consented to.

Mr. SPRINGER. You have heard all you desire to hear from the Indians, I presume?

The CHAIRMAN. We have all the information from them we desire.

Mr. TRUESDELL. It ought to be stated here that the Indians will make a statement if you desire it. The Indians did not desire to make any lease whatever. The initiative came from white men. They are opposed to giving up occupied or unoccupied land. It is only under coercion that they want to make any lease at all; it was because of a petition sent here. If you want to ask the Indians about that they will so say.

Commissioner JONES. Before that gentleman leaves, and as Mr. Primeau is here, in justice to the Department and the agent, I wish to say that I have received a communication stating that Mr. Primeau was employed by the St. Paul road to go around among the Indians this fall and persuade them to lease these lands, as the St. Paul road was very anxious that that range should be occupied. Mr. Primeau entered into an agreement with that road, and was to be paid by that road for his services. But now Mr. Primeau comes here and tries to defeat just what he offered to do, and did do, for the St. Paul road.

Mr. PRIMEAU. I never offered to do anything.

Commissioner JONES. The officer told me that the terms proposed by you were that you were to receive \$500 in cash and an annual pass over the road. They told Mr. Primeau that until they heard from their agent who was out there, and whom they had hired to do that work, they could not settle with Mr. Primeau. The understanding was that he was to go and induce these Indians, which he did, to sign this agreement, which was sent to the office by 771 of the Indians consenting to lease their land—the unoccupied portion of the land. Why Mr. Primeau has changed his mind I do not know.

Senator HARRIS. You had that information from the officer of the road?

Commissioner JONES. Yes.

Senator HARRIS. Will you give the name of the officer of the road?

Commissioner JONES. Mr. Calkins.

Senator HARRIS. I think we should have Mr. Calkins before the committee.

Mr. PRIMEAU. I did work to get a lease to have the Indians get a revenue out of the unoccupied portion of the 900 square miles of the north-

west corner of the reservation, and it was on my recommendation and talk that they agreed to do that; but when they came down here it was something else.

Mr. TRUESDELL. Dr. Merrill E. Gates has inquired into this very thing. The Commissioner told me this on Saturday last without giving me his authority. I thought it was not true then, and I have satisfied myself since that it was false.

Commissioner JONES. That is a pretty bold statement.

Mr. TRUESDELL. Bring Mr. Calkins here.

Commissioner JONES. That does not change the fact. The understanding last fall was, when the Indians signed this lease, that they were to lease these unoccupied lands.

Senator JONES, of Arkansas. I have here two letters—one from Mr. William Hayes Ward, editor of The Independent, of New York, and the other from some young woman, Mary C. Collins, explaining what she knows about this subject. I hand them to the stenographer, and ask that they be incorporated in the record.

The committee thereupon (at 10.10 o'clock p. m.) adjourned.

(The letters referred to by Senator Jones are as follows:)

FORT YATES, May 25, 1901—Saturday, p. m.

MY DEAR MISS COOK: I have spent this afternoon attending the big council of the Indians at the Standing Rock Agency, who were all called in to attend a council and act on a proposition of the Chicago and Milwaukee Railroad for the lease of their grazing land to cattlemen. Such a proposition had been made previously, but unanimously rejected. It was reported that this time it was to be put through anyhow. The agent (Bingenheimer) was reported to have said that if they did not agree to it the land would be immediately allotted and the rations all stopped. Dr. Warner and wife, Miss Collins, Mr. Reed and wife were present to hear the proposition.

The agent opened the case by telling the Indians that the proposition of the previous council for right of grazing was rejected, as it had not been fully understood.

"I find, by talking with some of you, that you do not have a fair understanding of the proposition. This time we have had it put in writing—we want you to understand what you are signing. The interpreter will translate and then we will hear what you have to say.

Thereupon he read a telegram which had been received from Washington, from the Indian Bureau. I was afterwards shown it, having asked the agent to let me see it. It was from Washington, signed by Mr. Tonner, Assistant Commissioner, saying that the Commissioner was in New York, but desiring that the Indians would accept the proposition to lease land so as to allow 10,000 or 12,000 cattle to graze on their land, at \$1 a head, the land to be south of the Grand River. The agent told me that the position of the land was immaterial to the Government, and it was not, I understood, this land that was wanted.

Mr. Hunter [said the agent to the Indians] is here and will explain to you the proposition of this railroad company. All safeguards are made in defense of the Indians. Beyond dispute the Indians have more land than they can use. You can ride across the country for days and not see a critter. The Commissioner thinks, and properly, too, that you should make some use of your surplus land to improve your condition.

The agent fairly and fully committed himself and the Indian Bureau for the acceptance of the proposition of the Chicago and Milwaukee

Railroad. After the council I got a copy of the proposition, and here it is. (I must return my copy to him.) There are two alternative propositions:

AGREEMENT.

We, the undersigned Indians of the Standing Rock Agency, do hereby consent and agree, in consideration of the sum of one dollar (\$1.00) per year, or fraction thereof, for each head of cattle brought upon the reservation, and in consideration of the further sum of fifty cents per ton stumpage for all hay cut upon the reservation for such cattle, to lease certain portions of the reservation to cattlemen for grazing purposes; and the said land so leased to be put under fence by the cattlemen.

It is further agreed that the said fence be constructed under contract at the lowest reasonable figures obtainable, and that cost thereof shall be deducted from the amount due the Indians under this agreement for the first year this agreement shall be in force; and the said fence, when so constructed, shall be the property of the Indians of this reservation, and the said cattlemen shall be required to keep it in good order and repair at their own expense during the time that this agreement shall be in force.

It is further agreed that any persons sent upon the reservation to take care of cattle shall be of good moral character, and subject to the approval of the United States Indian agent before being employed upon the reservation.

It is further agreed and understood that the amounts above agreed upon are to be paid over in advance and the net proceeds from the cattle tax and the stumpage for hay shall be distributed annually among the Indians in equal shares in the form of a per capita payment.

And it is further agreed that the agreement shall be of full force and effect from the period of five years from the making hereof, unless sooner dissolved by the mutual consent of the parties hereto.

[Second form.]

We, the undersigned Indians of Standing Rock Agency, do hereby consent and agree to the following:

In consideration of the payment, in advance, of one dollar (\$1.00) per head for each year or fraction thereof, we agree to allow cattle to be brought upon this reservation for the purpose of grazing; provided, that such cattle shall be so herded as not to interfere with the stock, dwellings, cultivated fields, or hay grounds of the Indians; and provided, that for any damage caused to the above by such cattle, their owner or owners shall make full compensation, to be determined by the agent or by some one appointed by him for that purpose.

We further agree, on payment of fifty cents per ton stumpage, said sum to be paid in advance, to allow hay to be cut for such cattle upon the reservation, the quantity so cut to be determined by measurement after the hay has been for thirty days in the stack.

It is provided further that any person sent to the reservation to look after such cattle shall be of good moral character, and approved by the United States Indian agent before being employed upon the reservation.

It is further understood and agreed that the net proceeds from the cattle tax and stumpage for hay as above provided shall be distributed to the Indians annually in equal shares in the form of a per capita payment.

After the interpreter had read the agreement Mr. Hunter spoke, representing the railroad. He said:

This agreement is for your interest and ours. It will give you a dollar a year for every critter and for every calf that is branded. It will give us the hauling of these 10,000 cattle every year. We have extended the road to Evarts. The Department will arrange with the agent here how you will inspect the cattle. The cattlemen will pay you 50 cents a ton for all the hay they cut, and buy from you the hay you cut. At present you will get nothing for this land that lies useless.

The agent spoke again and said the cattlemen would help the Indians keep out the prairie fires.

Mr. Hunter then added that he had been to Washington to see the Commissioner, and—

he is very anxious to have you agree to this and sent me to say this to you. He wanted this settled immediately, for if it was not agreed to in two weeks the Texas cattle would be sent to Montana.

Then the Indians spoke. The first speaker was John Grass, who had been selected to represent the opposition. A number followed. The general reasons were that their reservation is smaller per capita than others; that it is not too large, in view of prospective increase of cattle; that but for the blizzard of four years ago they would now have well-nigh enough; that the Department had assured them that they should hold this land, and they must look out for their children; that their access to water would be endangered; that they were not assured the promises would be kept, and that to divide \$10,000 between 3,700 people would do them much less good than to raise and sell their own cattle. They spoke of dangers of quarrels, etc., and I presume they used much the same arguments as at the previous conference, of which I have a copy. I give it herewith. I understand that it was presented at the first council that was held, on May 3 of this year. The Indians have been summoned to the agency twice this month on this business, to the great injury of their planting, although they have also at the same time received their rations and the distribution of money, something over \$5 apiece.

COPY OF ANSWER AT COUNCIL OF MAY 3, 1901.

Whereas the Indians of this, the Standing Rock Reservation, have been tendered an offer by one Mr. Hunter, representing those who wish to carry into effect this proposition to pay an annual sum of \$1 per head for the privilege of grazing cattle upon this reservation the year around, for a period not to exceed five years, caring for said cattle in a suitable manner, agreeable to the Indians, 10,000 head or more to be placed upon the reservation at the outset.

Therefore, it is resolved that it is the wish of the required majority of the adult male Indians of this reservation that such privileges as sought by the aforementioned Hunter be denied for the following reasons, namely:

First. The ownership of cattle among the Indians is increasing every year, and should money for that purpose be procured from any available funds of the Indians now in hands of Government, through efforts made in the past and representations to be made to the Commission soon to visit the reservation, all such money should be ultimately invested in cattle and equitably distributed to those entitled thereto, thus increasing their stock to such an extent that all surplus grazing lands under present conditions would be utilized.

Second. There are a great many pitfalls open upon the acceptance of such a proposition. All destructions or losses occasioned by the forces of nature might be unloaded upon the innocent Indians, while not in such a manner as to materially affect his rights of person or property, but so as to cast an unwholesome atmosphere around him and militate against his securing liberal treatment at the hands of the authority.

Third. It is put forward by the promoters of this plan "that the Indians are sorely in need, and the money received from the letting of the privileges will be just that many more dollars to be distributed among them, which they would not get otherwise." While admitting the truth of this point at first blush, it may have a deeper significance. If we, the Indians of this reservation, can get additional amounts of money for the purpose of increasing our cattle, thereby enlarging our assets and producing a larger source of income, and that, too, by our own sweat and blood, it will be in conformity with the ideas adhered to by the Department, and will make us as individuals have greater confidence in our capacity to help and maintain ourselves through the medium of our own labor.

Many other reasons could be advanced against accepting this proposition, but it is felt by your committee that the above are sufficient.

It is, I understand, the strong desire of the Indians that a part of their tribal funds be expended for the purchase of heifers, to be distributed among them for breeding purposes.

The only real, or rather apparent, support of the proposals of the Chicago and Milwaukee Railroad came from a number of young men mostly in the employment, I judge, of the agency. Some of them were clerks or policemen. These old Hampton students had met

together and had drawn up a proposal for amendments of the proposal, which would protect the Indians and limit the land taken to the northwest part of the reservation, just what the railroad probably did not want. I have not their written proposal with me, but they and some others seemed to be hedging, really not wishing for an agreement, but not daring to oppose it, as it was fully understood that the agent is determined it shall somehow be put through. At last, after a long succession of speeches, Agent Bingenheimer arose and said that it was evident that the proposition would not be accepted by the Indians; that it was of no use to continue the council; that no vote would be taken, and that they might go home. This was received with delight, as they were so anxious to get away.

I find it difficult to believe that the Commissioner has been correctly represented. I find that the best friends of the Indians here believe it would be against their interests to lease their lands. To be sure, not all the land is now used. One might travel all day and not see any cattle; but that would be because he would see no water. It is largely a question of water in such dry seasons as this. Of course the cattlemen would require the water of a principal river, and that the Indians need. Then there would be inevitable quarrels and murders.

I am told pretty definitely that Mr. Bingenheimer declared that the cattlemen shall get their desire. The Indians are afraid that the Department will somehow yield. I think that Mr. Bingenheimer, whose interests are at Mandan, is chairman of the Republican committee of North Dakota. I have no doubt that he is much more interested for his railroad than he is for the Indians. I would like to know if this is not a fight of the C. and M. Railroad to get the advantage of some other railroad for control of the Texas cattle business. It looks so, and possibly some other railroad would not be pleased to have this privilege granted. Very likely the Northern Pacific has other interests that would conflict with this plan.

I have thought it proper to write you this fully, and you are at liberty to take a copy of this letter and make any use of it you wish.

I am, yours, very truly,

WILLIAM HAYES WARD.

P. S.—As I think you know, I am here with Dr. Lucian C. Warner, of New York, on a visit to the missions among the Dakota Indians, and I found the Indians all called into Fort Yates. I did not know for what, and as it was of no use to try to visit missions where there were no Indians, we turned aside to Fort Yates. We shall go on to the Cannon Ball to-morrow, as the Indians are now all gone, or going, home.

W. H. W.

The Government has now decided that the payment of the debt which they owe the Indian is demoralizing to the Indian. That the \$3 per capita per year is pauperizing in its influence on the Indian.

To rent the land will, according to the Commission's plan, pay to the Indian about \$15 per capita. If \$3 a year is bad for him, is not \$15 a year fivefold worse?

It has been the ambition of our young men to get 50 head of cattle to enable him to sell some each year to help his family. Now

the order comes that if an Indian gets 50 he must have no further right to the money due him from the Government paid in goods instead of money.

When the streams freeze up solid in winter and cattle suffer for water they often die in great numbers, and even the staunchest Indian fears if disease comes among his cattle that he will lose them, and then starvation will come to his household. Instead of encouraging the thrifty Indian to greater perseverance he is discouraged and a premium put upon shiftlessness.

The Indian has to learn by the hardest trying what the white man wants him to do and what are the Great Father's laws. He wants to learn to be a law-abiding man. Yet he sees the Great Father at Washington allowing white men to break a treaty, made with great solemnity by the Government through their representatives and the Indians. He has always felt secure in this treaty because Congress made it, and he has felt that only Congress can change it, and that only with the consent of the Indians themselves.

If his land is leased against his will, where can he put his trust? What can we of the white race, who have told them of the greatness of our country, and our just laws, and our mercy to weaker nations, say to defend the Government? We lay down our lives and our money like water to free Cuba, and we allow our own helpless people to be trodden into the dust and make no attempt to protect them. The very men paid to serve the Indian out of the Indian's own money work against him, and for those seeking to take the ground from under his feet. We should not lease the Indians' land, because, as a nation, we can not afford to wrong a helpless people, however small the tribe; for if we do, God will call us to account. We have had one, and more, centuries of injustice and dishonor.

Let the Indian Department take for the new century the Golden Rule for its motto. The Indians' prayer daily is that God will save the President and fill his heart with mercy. They cry unto the Lord, "Doubtless thou art our Father, tho' Abraham be ignorant of us, and Israel acknowledge us not; thou, O, Lord, art our Father, our Redeemer; thy name is from everlasting." My prayer to God is that my dear country show itself great enough to rule in equity even the Indian far out on the reservation; and while I have breath I hope to speak for him.

MARY C. COLLINS,
Little Eagle School.

WHY THE GOVERNMENT SHOULD NOT LEASE THE LANDS OF THE STANDING ROCK RESERVATION, IN THE DAKOTAS.

The Standing Rock Reservation is a tract of land lying west of the Missouri River, across the line between the two States of North and South Dakota. There are between 3,000 and 4,000 Indians located thereon.

South of the State line live the Hunkpapa band, the Sitting Bull people, as they commonly are called; the greatest warriors of the Sioux Nation; strong and fearless in war. This band is now a band of Christians, eager to learn the white man's way. They have patiently labored for seventeen years to build up little homes and farms, and have scat-

tered out from the thickly settled camps on places remote from each other. We have advised this to break up the communistic habit of living, sleeping, and eating together; to encourage individualism and family rights.

Our argument with the Indian has always been that by and by the land would be allotted and the men who were located on good land would get desirable allotments; those not located must take what was left. The greater part of the families are now located. They have small herds of cattle. The reservation is located in the arid district, the grass is what is termed "buffalo grass," and "alkali grass." Both are good fattening feed for cattle, but of slow growth.

Where cattle feed the grass close this year they can not feed next year. If they are allowed to feed close and run on the same range two years in succession the grass fails and the range grows up to weeds.

Where the Indian cuts hay this year, the same tract can not be cut from next year. Where the prairie fire burns over this year, hay can not be cut therefrom for two years unless an unusual amount of rainfall intervenes. The haying lands near water is scarce, hence the Indian is compelled to cut his hay often 8 or 10 miles from water, hauling water in barrels for use while haying in camp.

The severe winters of this region require a large amount of feed to safely carry the stock through, 2 tons to the animal being the usual allowance. This means many weeks spent in cutting and hauling hay, and large areas must of necessity be cut over to secure what is needed, on account of the short growth of the grass.

To lease this land to cattlemen who may be allowed to overrun the range with cattle would destroy the range inside of two years. Water is exceedingly scarce away from the Missouri River. The Grand River is simply a little stream, which is usually full of water in June, sometimes in September; the rest of the year it is little more than a succession of water holes. Oak Creek, the best stream, is of like nature, but the water is better for household purposes than that of Grand River. In addition, there are small valleys containing deep water holes in alkali beds, which fill up in the spring, and when the flood subsides these holes remain, like wells of water, deep enough to keep fairly good.

These streams, if streams we may call them, are Firesteel Creek, Deer Creek, Highbank Creek, Brush Creek, Black-horse-hill Creek, Hump Creek, and a few others. They are simply water holes and often almost entirely dry. There are a few springs in the bottom of Grand River and Oak Creek, and occasionally one to be found in a deep ravine, but they are small and generally inaccessible.

To turn an unlimited number of cattle on this range would drive the Indians out.

The cattle during the summer's heat would take possession of all accessible water holes and stand in them through the day, thus wholly polluting the water.

Where large numbers of cattle are, the small fly that follows them makes it almost impossible for human beings to live near where the herds are, and since the Indians are located along the streams, they will often be obliged to abandon their homes on this account.

In winter cattle are often stampeded by a blizzard, in summer by prairie fires. No fence will stop a wild herd in either case, and men

on foot would stand but small chance to escape in either case, for these stampeded herds fear nothing and know nothing but men on horseback, and every cowboy carries a six-shooter to defend himself against a wild animal.

Wood on the reservation is so scarce that an Indian is not allowed to cut a green pole, even, without a written permit from the agent, and this prohibition includes any necessary timber for building or repairing their houses.

Cowboys would need cabins and wood to burn, and corrals for the cattle. Where would the wood be found for these purposes? It is quite evident to anyone familiar with cowboy life that the regulations which are now governing over the Indians in this respect will have no weight with the cattlemen, and it will be a source of irritation to the Indians to see their wood disappearing and they not allowed to use the same without special permission in each instance.

There is a law forbidding Indians to carry firearms; also a law that forbids the introduction of intoxicating liquors within the reservation. It is unreasonable to suppose that this law could be enforced if dozens of cowboys were allowed to come in with the cattle. Would not the Indian be obliged to carry arms to protect his home?

The cowboys would be without their families, and therefore lawless. There is no law to punish a white man for killing and eating an Indian's cattle. Would not the Indian soon have to take the law into his own hands?

WADE, N. DAK., *January 16, 1902.*

Hon. Senator JONES, *Washington, D. C.*

DEAR SIR: Seeing by the papers that you are taking some interest in the wrongs being done the Sioux Indians by the renting of their reservation to a company in which the Commissioner of Indian Affairs is connected, I take the privilege of writing you upon the subject.

I think it is all wrong, for the following reasons:

A true survey of the Standing Rock Indian Reservation has not been made, and the Indian Bureau claim nearly 1,000,000 more acres of land than there really is in the reservation.

The Indians have between 24,000 and 25,000 head of cattle and horses, which have to be grazed during the summer and fed hay during the winter months. And the hay must be cut along the creeks, which will be fed down by the renters' cattle, should the reservation be leased.

Should any Indian family have more than 100 head of cattle and horses, they will have to pay the company leasing the reservation for any excess in amount the lessee has a mind to name.

The Indians owning stock have not been, as a general thing, consulted, and nearly all the Indians who have signed the petition to lease the reservation are young men who have no stock of their own.

The company leasing can do as they have a mind about fencing the reservation. This will make the settlers living along the Cannonball and Cedar rivers all kinds of trouble, as these creeks are the boundary lines between the reservation and the white men. Should any controversy arise over this trouble, the county of Morton will have to stand all expense of all litigation, as there can not be any taxes levied upon stock running upon a Government reservation.

It is understood the Government will build and support reservoirs to water said company's stock. If they do they can easily use the entire amount of rental in so doing and there will be no gain to the Indian.

We have applied to our members in Congress and get no support. But I think a thorough investigation will show up some dark objects only slightly under cover.

I have written you purely in the interest of the Indian and settlers, who are near neighbors and who have interest in common.

Hoping you may meet with success in your undertaking, I remain,

Yours, very truly,

WM. V. WADE.

[1]

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31st Cong. 2^d Sess. Senate Ex. Doc. No. 1, Pt. II.
1850

No. 3.

REPORT OF THE QUARTERMASTER GENERAL.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, November 20, 1850.

SIR: In obedience to your order, and in compliance with the regulations, I have the honor to report the operations of the Quartermaster's department for the fiscal year which terminated on the 30th of June last.

When I presented my report of the preceding year, the balances in the hands of officers acting in the department, to be accounted for, amounted to - - - - - \$730,150 46

To which is to be added—

1. Remittances, viz:

In the 1st quarter of the fiscal year	-	\$685,789 00	
In the 2d quarter of the fiscal year	-	1,156,856 77	
In the 3d quarter of the fiscal year	-	937,572 91	
In the 4th quarter of the fiscal year	-	503,487 54	
			3,283,706 22

2. Miscellaneous items, viz:

Proceeds of the sales of public property and rents of public buildings	-		109,036 02
Amount borrowed from the civil fund in California and applied, by order of the generals in command on the Pacific, to the service of the Quartermaster's department			751,743 29
Proceeds of drafts drawn on this office by officers of the department, on account of the service of last year, which is a charge upon the appropriations of the present year,			539,117 03
Amount paid at the treasury, on accounts which had been examined and passed at this office	-		47,460 28

Total to be accounted for	-		5,461,213 30
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From which are to be deducted—

1. Expenditures, viz:

Prior to the fiscal year, but the accounts for which were not received in time for the last report	-	\$275,050 59	
In the 1st quarter of the fiscal year	-	\$1,292,372 67	
In the 2d quarter	-	1,448,602 44	
In the 3d quarter	-	965,861 86	
In the 4th quarter	-	645,795 75	
			4,352,632 72
Deposited to the credit of the treasurer	-	46,611 70	4,674,295 01
Leaving to be accounted for	-		786,918 29

3.—RECAPITULATION.

For the general service -	2,845
By regiments.—Dragoons and mounted riflemen -	79
Artillery -	314
Infantry -	405
Sappers and miners, and detachments -	52
Aggregate -	<u>3,695</u>

4.—RECRUITING FUNDS.

Amount of recruiting funds in the hands of officers of the army, September 30, 1849 -	\$137,456 32
Amount of recruiting funds advanced to officers of the army from October 1, 1849, to September 30, 1850 -	36,112 43
	<u>173,568 75</u>
Amount of recruiting funds accounted for within the same period -	88,497 46
Balance in the hands of recruiting officers, September 30, 1850 -	<u>85,091 29</u>

The greater portion of this balance pertains to funds advanced during the war with Mexico, to recruiting officers of the late additional regiments and volunteer corps, or subsequently transferred, &c., whose accounts are not yet finally settled.

Respectfully submitted:

R. JONES, *Adjutant General U. S. A.*

Major General Scott,

Commanding-in-chief the Army of the United States.

The accounts of three deceased officers are due; also of two assistant quartermasters, and forty-four regimental and acting quartermasters, and agents. These accounts, when received, will reduce the balance now reported, it is believed, over three hundred thousand dollars.

A heavy arrearage accrued during the last fiscal year, from the entire inadequacy of the appropriations to meet the necessary expenditures under the new and extraordinary circumstances of the service. When the estimates were decided upon by the late Executive, in the autumn of 1848, the war expenditures still to be made were supposed not to be so large as they turned out to be; hence the balances of the war appropriations, applicable to the service of the year, fall far short of what had been counted on. Added to which, the Indian hostilities in Florida, Texas, and New Mexico, which have caused a heavy expenditure, were neither foreseen nor provided for. Nor was any provision made in the estimates to meet the state of things in California, where the expenditures of the Quartermaster's department in the last year, for the small force employed, have nearly equalled those for the whole army in 1845.

The arrearages, as far as ascertained, will be seen in the amount stated as borrowed from the civil fund in California, and that raised by the disbursing officers of the department, on drafts on this office, which were necessary in the absence of appropriations to carry on the service; and which are a charge on the appropriation for the present fiscal year. The whole amount of the arrearage will be required in this year.

In the year ending the 30th of June, 1844, the whole amount expended by the Quartermaster's department was \$871,000. The foregoing statement shows that the sum expended in the last fiscal year was fivefold that amount. Now, the army has been increased since that date a little more than one-half; and had the circumstances of the service remained the same, the increase should have been in the same ratio, or but little more than fifty per cent. The enormous increase of the expenditures is to be accounted for, in addition to the circumstances before stated, by the vast extension of our territory in the annexation of Texas, New Mexico, and California, the stationing of troops there and in Oregon, and keeping up long lines of communication between our former frontier and those Territories.

In 1844 the extreme western posts, extending from the Gulf of Mexico to Lake Superior, were Fort Jesup, within twenty-four miles of steam navigation, on Red river; Forts Towson and Washita, on Red river, and above Fort Jesup; Forts Smith and Gibson, on the navigable waters of Arkansas river; Fort Scott, on the southwest frontier of Missouri; Fort Leavenworth, on Missouri river; Fort Snelling, near the head of navigation on the Mississippi; and Fort Wilkins, on Lake Superior. Several of these posts were in populous and well-cultivated neighborhoods, and all of them were of easy access, and readily and cheaply supplied; consequently the whole cost of transportation for the army in the year referred to was less than one hundred and twenty thousand dollars.

The outposts are now removed to the Rio Grande, the Gila, the Pacific coast, Columbia river, and Puget's Sound, with long intermediate lines of posts between the former and the present frontiers. The agricultural resources of the new Territories have been but partially developed: those of California and New Mexico are supposed to be limited. In the former the gold excitement, and in the latter the hostile disposition of the In-

dians, prevents the inhabitants from availing themselves of the few agricultural advantages they are supposed to possess. Western and northern Texas and Oregon have abundant agricultural resources; but the gold excitement and the Indian hostilities produce the same effects there, though not in so great a degree, as in California and New Mexico. The reinforcements for the troops, as well as nearly all their supplies, are taken from the older States, over long land and water routes, at an enormous expense. Large trains belonging to the public, and hired, have been constantly moving over the land routes, and with the troops in the field; and vessels, at an expense bearing some relation to the great increase in the cost of labor, have been employed in transporting troops and building materials, forage, and other supplies, on the water-routes; the consequence of all which is, that, with the army increased a little more than one-half, or fifty per cent., the cost of transportation in the last fiscal year has equalled two millions of dollars, or more than fifteen hundred per cent.

In the present condition of the newly-acquired territories, with the posts established for their defence necessarily so far from the sources of supply, and so large a portion of their garrisons mounted, more than ten thousand horses, oxen, and mules are constantly required for transportation, and for mounting guides, spies, escorts, and troops; forage is therefore a heavy item of expense. The supply of fuel is limited throughout those territories, and is obtained with difficulty at many of the present posts: it is a heavy item. So is the hire of mechanics, laborers, and other operatives; also the rent, erection and repair of quarters, barracks, storehouses, and other structures required for the service. The expense of neither can be much reduced, even with the most faithful and rigid administration, unless the circumstances of the whole country in relation to its cultivation, communications, and means of defence, be changed.

The nomadic Indians between Texas and New Mexico have, as long as we can trace their history back, and down to a recent period, followed and subsisted upon the immense herds of buffalo that once covered the plains east of the Rocky mountains. The buffalo have been rapidly diminishing for many years past, and now afford the Indians a very scanty supply. These Indians have ever been warlike, well-mounted, and well-armed. The rapid disappearance of their accustomed means of subsistence has, for some time past, compelled them to fight, steal, or starve. Brave men in a savage state, with arms in their hands, never starve themselves, nor allow their women and children to starve, when subsistence can be won by prowess or skill. For half a century past, as the game has diminished, they have been in the habit of making inroads into the Mexican provinces; and they have at length broken into and overrun some of the better portions of those provinces, as the northern hordes formerly broke into and overrun the Roman empire. Recently they have made inroads into Texas; and there, as well as in New Mexico, they have given the troops as constant and active employment as if a state of war had existed. So far as our own territories and people are concerned, this state of things is the natural and necessary result of our treaty for the protection of Mexico. Give the Indians a fair field for their predatory expeditions in that republic, and they will never trouble us; but if we carry out the provisions of our treaty with Mexico in good faith—and no American, I take it for granted, would advise the contrary—the existing state of things, and the heavy expense attending it, must and will con-

tinue, unless we either feed or exterminate the Indians, or prevail upon them to settle down as cultivators of the soil. No treaty we can make with them—no matter what their wishes, or how well disposed soever they may be to fulfil their engagements—will bind them longer than their means of subsistence last. The moment these are lacking, resort must necessarily be had to the only available mode of supply—to hesitate would for them be to starve.

The estimates for the next fiscal year are made from a careful consideration of all the circumstances of the service and a minute calculation of its wants. If these circumstances remain unchanged, and the *objects* of expenditure be not greatly reduced, the estimates will bear no reduction; and I respectfully urge the necessity of the whole being appropriated. Unless objects of expenditure be reduced, the cutting of estimates down may produce arrearages and embarrass the public service, but will not save money.

The regiment of mounted riflemen, for which means of transportation and supplies had been provided before the commencement of the year, were marched across the continent during the year, and stationed in the Territory of Oregon, with the exception of two companies left at Fort Laramie on the route, about seven hundred miles in advance of Fort Leavenworth. For a portion of the troops, quarters were erected, and for others, and for stores, buildings were hired. Fort Vancouver is the most important point to be occupied in that Territory. It is now garrisoned, and is the principal depot of the Quartermaster's department. It is, I believe, the property of the Hudson Bay Company; and if it can be obtained on anything like fair terms, it should be purchased. It is said to be the only place in the Territory where a mounted regiment can now be conveniently stationed; it has fair pasture ranges, fields for cavalry evolutions, and is accessible for supplies through three rivers—the Columbia, the Willamette, and the Cowlitz—all communicating with the most fertile parts of the Territory. Building materials are abundant in Oregon, and a saw-mill had been put up at Fort Vancouver; and, at the last report, one was to be sent to Astoria and another to the Dalles. For detailed information in regard to the march of the rifle regiment, and establishing it on the route and in Oregon, I respectfully refer to the report of Major Cross, which is appended, marked A.

In the course of the year a considerable amount of supplies has been sent from the Atlantic to California. Two storehouses, with quarters for two companies, including officers, were framed and sent from the State of Maine, and six small iron buildings were sent from New York as an experiment. These buildings, it is ascertained, will cost far less than those put up from materials obtained in California.

Quarters, storehouses, and other buildings are required at San Diego, Gila, and Colorado, Las Reyes, Clear Lake, camp Far West, Benicia, and San Francisco, in addition to buildings already put up, and at Monterey. The estimates from the Pacific for the necessary buildings, and including transportation for the division, are over twenty-six hundred thousand dollars. By sending all the materials from the Atlantic, with mechanics to erect the buildings, it is believed that the cost may be greatly reduced; and I propose, if it meet your approbation, to adopt that course.

For detailed information in regard to California, as well as Oregon, I

respectfully refer to the report of Major Vinton, herewith submitted, with the reports and statements accompanying it, marked B.

Supplies of every description due from this department have been sent from Fort Leavenworth, in Missouri, and San Antonio, Texas, to New Mexico; and transportation has been furnished for troops marching thither, as well as for the supplies of other departments. Great difficulty is found in supplying the trains and the horses of the mounted troops with forage in New Mexico. The whole surplus products of the country, after supplying the inhabitants, would hardly be sufficient for the public demands if they were available; but much of them necessarily goes into the hands of the numerous bodies of emigrants passing to California by the route of the Gila. The difficulty can be obviated only by such a policy as shall secure the cultivator, not merely from attack while engaged in the business of cultivation, but in the quiet possession of his crop after it has matured. The most industrious portion of the population are said to be the *pueblo* or *village* Indians, (Mexicans.) They suffer from the depredations of the wild or mountain Indians. They are represented as almost entirely without arms. Were they armed, and the troops so disposed as to afford their settlements efficient protection, they would not only diminish the public expenses by increasing the supplies, but would be the cheapest as well as the best auxiliaries of our troops in their operations against the *hostile* Indians. For information in detail I refer to the subjoined report of Captain Brent, who was nearly two years the principal quartermaster in that Territory, with the report of Captain Bowman and Lieutenant Whittlesey appended to it, marked C.

Throughout the year, the troops in Texas have been more like an army in the field, in active war, than in garrison; and the regular force has been increased by an auxiliary volunteer force. Supplies, with extensive means of transportation, both public and private, and horses to mount a portion of the foot, have been furnished as required by the general commanding.

The territory of Texas is so vast that the troops for its defence, as well as the trains to supply the posts on its frontier, have to traverse routes so long and so entirely unimproved, that the expense of transportation and of all supplies is extremely heavy. In connexion with this subject, I took occasion in my last annual report to ask the attention of your predecessor to the importance of improving the harbors, rivers, and roads of Texas. I now take the liberty of asking your attention to the matter. The improvement of the harbors of Texas, with that of the navigation of the Rio Grande, the Guadalupe, Colorado, Trinity and upper Red river, with the construction of good roads between the frontier posts and those posts and accessible points on the coast and rivers, would be worth infinitely more, in the defence of the frontier, than any system of fortification.

In regard to the state of the service on the frontier of Texas, and the condition of the Rio Grande, I respectfully submit copies of reports from Captain French, (marked D,) and Major Chapman, (marked E.)

Transportation and supplies were furnished throughout the year for the troops operating in Florida; also, transportation for captured Indians from the scene of operations to New Orleans.

In relation to matters there, I respectfully refer to the report of Major Myers, (marked F,) with the memoranda appended.

In regard to army expenditures generally, it may not be out of place

here to remark, that the cost of supporting a given number of troops is the same to most of the administrative departments of the military service, no matter where they be stationed. In the pay and subsistence departments, the allowances being determined by positive law, the expense depends upon the actual force, and is materially affected only by the increase or diminution of numbers and grades. In the Quartermaster's department the case is entirely different: there, the expenditures are influenced by all the varying and contingent circumstances of the service, as well as the condition and resources of the country in which the troops are employed. Take, for instance, New Mexico and the posts on the Oregon route; also Texas; and both pay and subsistence depend upon the number employed, and would be about the same, were the force there stationed on the Atlantic. But, from the remoteness of all posts in these territories from the sources of supply, and the difficulties and danger attending the communication with them, the expense to the Quartermaster's department is from three to five hundred per cent. more there, than it would be on the Atlantic—in some items, more than a thousand per cent. As the troops become more active, or as their numbers are increased at these remote stations, the expense must increase, and the only abatement of this expense, perhaps, possible, will be in the settlement and cultivation of the surrounding country, whence a portion of the supplies may be drawn at less expense than to transport them from the seaboard or western depots.

The present state of the service requires the employment of a large force of mechanics, teamsters, laborers, and other operatives. All these classes are now hired, and, in many instances, at exorbitant rates; and, in the extended operations over our territories, from the want of any legal control over them, their duties are often badly performed. As a measure calculated to promote both economy and efficiency, I recommend that provision be made by law for enlisting a portion, at least, of the several classes enumerated, for a period not less than two years, and that all of those classes necessarily employed in the field, or on the long routes through the Indian country, be made subject to the rules and articles of war, whether enlisted or hired.

The laws at present authorize the appointment of twenty forage and wagon-masters; that number is not sufficient for the present wants of the service. Barrack-masters and additional storekeepers are necessary. I recommend that twenty additional wagon and forage-masters be authorized, and that ten additional storekeepers be added to the Quartermaster's department; also, a barrack-master at every principal station where there is neither a quartermaster nor a storekeeper—all to perform such duties as may be prescribed by the Secretary of War, or directed by the Quartermaster General or the principal quartermaster at the station, or on duty in the division or department, where these classes of officers may respectively serve.

I respectfully request that measures be adopted to obtain a more ready settlement of the accounts of the officers of the department at the treasury. The officers are compelled by law to send their accounts for settlement within three months after the close of the quarter in which they accrue, on the penalty of dismissal. These accounts often remain unsettled for years. Justice requires that the accounts be promptly settled. I also ask that the laws be so changed as that all the accounts of the

Quartermaster's department be settled by the same auditor. At present they are settled by the Second and Third Auditors, and it often happens that not only vouchers in the same account, but items in the same voucher, have to go to both auditors. The property accounts have to be divided between the two auditors. The consequence is, that the officers of the department, as well as the officers of the mounted corps, have to make two sets of property accounts in every quarter. If the proposed change could be made, the accountability would be more perfect, because accounts would be more simple.

I have the honor to be, sir, your obedient servant,

TH. S. JESUP,

Quartermaster General.

Hon. C. M. CONRAD,

Secretary of War, Washington City.

A.

A report, in the form of a journal, to the Quartermaster General, of the march of the regiment of mounted riflemen to Oregon, from May 10 to October 5, 1849, by Major O. Cross, quartermaster United States army.

QUARTERMASTER GENERAL'S OFFICE,
Washington City, April 25, 1849.

SIR: You will proceed to St. Louis, Missouri, and report to Colonel Mackay, for service with the Oregon expedition. Detailed instructions will be sent to you, from this office, as soon as certain matters now under the consideration of the War Department be determined. So soon as the troops shall be established on the Columbia, or in the Territory of Oregon, and the necessary arrangements made for their future supply, you will be expected to return to this city, via the Isthmus or Mazatlan, and through Mexico, so as to arrive, if possible, early in the next session of Congress.

Respectfully, &c.,

TH. S. JESUP,
Quartermaster General.

Major OSBORNE CROSS,

Quartermaster, Washington City.

1891

LETTER

FROM THE

ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

A letter of the Secretary of the Interior with an estimate for an appropriation of \$10,000 for Mission Indian Commission.

FEBRUARY 26, 1891.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
February 24, 1891.

SIR: I have the honor to transmit herewith for the consideration of Congress a communication from the Secretary of the Interior of the 20th instant, submitting an estimate for an additional appropriation of \$10,000 for the Mission Indian Commission.

Respectfully, yours,

A. B. NETTLETON,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 19, 1891.

SIR: The act of Congress approved January 12, 1891, authorizing the appointment of a Commission to arrange a just and satisfactory settlement of the Mission Indians upon reservations, makes an appropriation of \$10,000 for the payment of the compensation of the Commissioners, including their necessary traveling expenses, and of the expenses of surveying. This amount was inserted in the bill as prepared in this office, and appears to have been based upon the expectation that the work could be completed in about 4 months. Further consideration of the matter, however, in consultation with two of the Commissioners, leads me to believe that it may require a considerably longer period for the Commission to properly perform its duties. There are some forty reservations and settlements of the Mission Indians, scattered over the whole of Southern California, many of them remote from usually traveled routes and accessible by private conveyance only. Many and difficult questions are to be considered and determined, which will necessarily require considerable time for consideration.

It is important that this Commission should have sufficient time for the careful investigation of all matters intrusted to and coming before it, and that all the questions affecting these Indians, which have been so long pending, should now be settled. A possibility that the Commission shall fail to perform all of its duties and to submit a final report should not be allowed to exist.

I am satisfied that the Commissioners would not in any case prolong their duties unnecessarily, and that if an additional appropriation were made it would not be used unless it should be found essential to the proper performance of the work.

In order, therefore, that the settlement of these matters may be placed beyond question, so far as the necessary funds are concerned, I have the honor to recommend that Congress be requested to make an additional appropriation of \$10,000 for the compensation of the Mission Indian Commission. I inclose draft of an item for that purpose, to be inserted in one of the appropriation bills.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

For compensation and expenses of the Mission Indian Commission, in addition to the amount appropriated by the act of January twelfth, eighteen hundred and ninety-one, entitled "An act for the relief of the Mission Indians in the State of California," the sum of ten thousand dollars.

DEPARTMENT OF THE INTERIOR,
February 20, 1891.

Respectfully forwarded to the honorable Secretary of the Treasury with the recommendation that the additional appropriation asked for be appropriated by Congress.

GEO. CHANDLER,
Acting Secretary.

1852

REPORT
OF THE
SECRETARY OF THE INTERIOR,

IN ANSWER TO

A resolution of the Senate calling for information in relation to an amount due the St. Regis Indians.

APRIL 5, 1852.

Referred to the Committee on Indian Affairs, and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, April 2, 1852.

SIR: In obedience to a resolution of the Senate of the 22d ultimo, I have the honor to communicate, herewith, a report made to me on the 30th ultimo by the Commissioner of Indian Affairs, showing that the sum of \$4,000 is due to the St. Regis Indians, by virtue of the treaty made with the New York Indians by Ransom H. Gillett, commissioner, and that that sum was embraced in the special estimates of appropriations deemed necessary for the service of this department during the present fiscal year, transmitted to the Senate on the 12th of January last.

The item will be found, with proper explanations, on pages 296 and 298 of the printed annual report of the Commissioner of Indian Affairs, communicated to Congress in December last.

I am, sir, with much respect, your obedient servant,

ALEX. H. H. STUART, *Secretary.*

HON. WILLIAM R. KING,
President of the Senate.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, March 30, 1852.

SIR: In answer to the resolution of the Senate of the 22d instant, referred by you to this office, in which that body requests to be informed "whether any, and what sum is or will become due to the St. Regis Indians, by virtue of a treaty made with the New York Indians by Ransom H. Gillett, commissioner, and upon the expediency of an appropriation to pay the sum so due, if any," I have the honor to state, that under the ninth article of the treaty referred to in the resolution, the sum of \$4,000 is due, as a remuneration for moneys laid out by said tribe, and for services rendered by their chiefs and agents, in securing the title to the Green Bay lands, and in

removal to the same. This sum, I have also the honor to state, was estimated for by this department, and is embraced in the deficiency bill recently passed by the House of Representatives, and now before the Senate.

For further information I beg leave respectfully to refer to the special estimates from this office, *item 1*, and to the explanations accompanying the same, which may be found on pages 296 and 298 of my annual report for 1851.

Very respectfully, your obedient servant,

L. LEA, *Commissioner.*

Hon. A. H. H. STUART,
Secretary of the Interior.

CONDITION OF NATIVES OF ALASKA.

Mr. TELLER presented the following

PAPER CONTAINING THE CHARGE OF JUDGE ROYAL A. GUNNISON, BEFORE THE GRAND JURY, IN THE DISTRICT COURT, AT JUNEAU, IN THE FIRST DIVISION, DISTRICT OF ALASKA.

FEBRUARY 13, 1908.—Referred to the Committee on Indian Affairs and ordered to be printed.

[In the district court for the district of Alaska, division No. 1, at Juneau.]

Special charge to the Juneau, December, 1907, grand jury.

GENTLEMEN OF THE GRAND JURY: There exists to-day in Alaska, and no more in this judicial division than elsewhere, a most deplorable condition of affairs among the natives. That steps toward the amelioration of this condition should be taken at once there can not be the slightest question. The court, as at present constituted, can not, we think, be characterized as pro native, but the state of abject misery in matters physical and social into which this race is rapidly sinking must cause one to consider what can be done not alone for the natives, but for the white people who are brought more or less in constant touch with them. Where and how to initiate a movement along these lines, as here briefly indicated, has furnished the subject of much meditation and numerous conferences with persons familiar with the conditions needing remedy and the causes thereof. While at first blush it may appear to one that the health conditions among the Alaskan natives or the social relations existing between the natives themselves and between the natives and the white men are matters best left alone, or in any event that these conditions are not new and are well enough cared for in the present way, nevertheless when thinking men stop to consider the situation in all its phases they can but realize that something must be done to improve matters, and that, again, to use the language of a well-known author, "The white man's burden" is here waiting to be taken up through definite Government channels.

Lest the attitude of the court toward the various denominational missions among the Indians shall be misconstrued or misunderstood, it seems advisable to say that the action here taken is in no way intended

Recd. Feb. 25, 1908 - am

to hinder, belittle, or supersede the valuable work of the various missions. On the contrary, it is certain that there is much to be done for the native which the missions are not able to accomplish. The ends to be attained and the means to that end, while in no way antagonistic, lie along a different path, and that the path of Government control. In the mind of the court, there is no more appropriate body to investigate a matter or to initiate a movement that is vital to the health and peace of our community than the grand jury, whose members have been chosen from among us, our neighbors and our business men. As has been said to you in a former charge, the people look to you for the protection of home and property from dangers resulting from disease, disorder, or disregard of law.

It is therefore earnestly recommended that you investigate the conditions, social and sanitary, in which the natives of this division live, with a view to ascertaining what they are and what need to be remedied, what are the causes of these undesirable conditions, and last, but by no means least, how these can be eliminated and better conditions established. The court realizes only too well its limited knowledge and experience along these lines, but scant as that knowledge and that experience are, they are sufficient to make plain the fact that the native is a ward without a guardian, a child without a guiding hand, and that he is such unto extermination without a physician.

The control governmentally of the native has been left to the district court and the commissioners, but that control is punitive only. When the Indian breaks the laws, established, by the way, for white men whose code of morals and habits of life are different, the Indian is haled before the commissioner or the grand jury and district court, indicted, tried, usually convicted, and sentenced to jail, oftentimes for matters which under his native customs was not a crime. He serves his term of imprisonment and returns to his people bewildered and embittered, but not bettered. Weeks of time and thousands of dollars in money are annually spent in these futile endeavors to make the Indian understand the white man's way and obey the white man's law. The difficulties of the government of the native are too great and too serious to be left in any such careless way to a department of Government neither adapted to nor intended for it; and, further, from a business standpoint, the present system is utterly ineffective and immensely expensive in time and treasure.

Many of you—most of you, in fact—have fortunately had large experience with the Alaskan Indian, and the court feels, in calling this matter to your attention, that you will give to it an earnest and intelligent investigation that will be of great value in arriving at some remedy for a condition that is a menace to the peace, health, and business of this Territory.

If you shall deem it proper to investigate this subject, as suggested by the court, it is desired that you report your findings, with such recommendations as may seem to you proper in the premises.

Dated at Juneau, in said district and division, this 17th day of December, 1907.

ROYAL A. GUNNISON,
District Judge.

In the district court for the district of Alaska, division No. 1. Special December, 1907, term, at Juneau. In the matter of the special report of the grand jury.

To the Hon. ROYAL A. GUNNISON,
Judge of said court.

Since your honor has called our attention to the matter of the condition of the native inhabitants of Alaska we have made such investigation of the same as time and opportunity permitted. We have called before us a number of witnesses, some of whom have been personally familiar with the condition of the native inhabitants of Alaska for many years, and others who have a professional knowledge of the physical condition of the natives and their manner of life. Some of the members of this body, from a long residence in Alaska, are also more or less familiar with the situation and conditions.

From what we have ascertained, we are satisfied that the present situation is one calling for the application of appropriate remedies in order to preserve to the district a race of people naturally of a peaceable and industrious character, whom we believe capable by education of forming a desirable class of inhabitants. They have for many years furnished labor for the development of the fishing industry, the lumber industry, the fur trade, and the transportation facilities so important in the development of a frontier country.

PHYSICAL WELFARE.

The health of the native is of paramount importance since, by reason of their natural physical situation and the change in their mode of living which has been effected since the occupation of the country by white men, consumption and trachoma and other diseases are spreading among them to such an extent that their very existence is threatened. From the data which we have been able to obtain we are satisfied that within a few decades, if the mortality of the race continues as in the recent past, there will be no longer any native inhabitants to perform the needed labor which the progress and development of the country emphatically demands. The statistics, taken from a typical settlement of the natives, show a greater mortality than that of any other primitive race which has come in contact with Anglo-Saxon civilization. We append hereto a copy of a thorough and able report of Army Surgeon Paul Churchill Hutton on the sanitary condition of the natives of Alaska, which will confirm the fears herein expressed. We sanction and approve this report and join in recommendations contained therein.

These native people, infected as they are, eat at restaurants, occupy beds in hotels and on steamers, and travel over trails, and necessarily come in frequent contact with the white inhabitants, and thereby become a standing menace to the health of all the citizens of Alaska.

MORAL WELFARE.

This condition is very deplorable, and growing out of it a great many crimes which are designated in the laws applicable to civilized societies are, when enforced against these natives, productive of great injustice and oppression. Prosecutions for statutory rape, adultery,

and illegal cohabitation among the native inhabitants on conviction result in imposing heavy penalties upon conduct which is supported by the customs of the people to which the defendants belong. Often acquittals have resulted in miscarriages of justice, and no adequate or appropriate punishment could be imposed. While tribal customs and communal systems of living are rapidly disappearing, the habits formed by centuries of such systems have led to many infractions of the law which ought to be dealt with otherwise than in the courts of justice under our system.

We believe that many remedies can be applied and great improvement in all these conditions will result by the creation of some governmental representative similar in some respects to the Indian agent, superintendent, or inspector, that has been created for the regulation of the Indians of the plains. Such representatives would become familiar with the natives and be able to adjust a great many minor disputes and difficulties which now are sometimes brought into the courts of the district, resulting in wasted resources and a failure of substantial justice, as well as to improve the present sanitary conditions and health of the natives.

We believe that the experience of the Federal Government in the care of its native wards within the confines of the United States can be applied to the improvement of the conditions in Alaska to the mutual benefit of the native and white residents thereof.

Respectfully submitted.

HENRY SHATTUCK, *Foreman.*

REPORT OF CAPT. PAUL C. HUTTON, ASSISTANT SURGEON, U. S. ARMY.

OFFICE OF THE SURGEON, FORT WILLIAM H. SEWARD,
Haines, Alaska, October 28, 1907.

SIR: In compliance with cablegram from headquarters, Department of the Columbia, to the commanding officer of the post, I submit the following report concerning disease among the Indians of this district and the conditions under which they exist.

The statistics herewith sent were taken by me from Indians reporting at this hospital for treatment, and by a house to house canvass in which every native house or shack in Haines, Jones Point, and Hindustucky was visited. It was not possible to make a thorough examination in all instances, and such cases as complained of constant and severe cough, with purulent expectoration, accompanied with loss of weight, are carried as suspicious cases, while such a case with history of pulmonary hemorrhage is carried as a positive case. Scrofula, Pott's disease, and tubercular disease of bone, and other forms of tuberculosis are carried separately from the pulmonary cases. Many of the Indians are not at their homes at this time, and therefore not accessible. The records herewith sent include all the adult Indians available from data in this neighborhood at this time—117 cases.

It will be seen that 24, or 20.6 per cent of this number, have pulmonary tuberculosis in a sufficiently advanced form to permit the diagnosis to be made without difficulty. Of suspicious cases there are 14, or 12 per cent (nearly), who also probably have the pulmonary form.

Of tuberculous conditions, then, there are 36.8 per cent, while if those under suspicion are really attacked, those figures rise to nearly 48 per cent.

The accompanying records show 312 children to have been born to these 117 Indians. Of these 312 children 140 are living, while 172, or 55 per cent, are dead, 86 having died in infancy, 51 in childhood, and 35 in adult life. A history of tuberculosis was given in nearly all of the deaths among the adults, and death was ascribed to its cause in the vast majority of instances.

Some Indians were found to be blind or to possess impaired vision in one or both eyes, the condition having been brought about by trachoma. Such cases are designated on the records "Yes" after the word "trachoma," even though they do not at present suffer from the disease, and only those cases which are left incapacitated are recorded. Eight such cases (nearly 7 per cent) are mentioned, but this does not give a fair index to the prevalence of the disease, for the reason that they are all within 3 miles of a doctor and can receive treatment for trachoma, which usually yields readily to medication and does not result in blindness; and it is my belief that the Indians in isolated villages suffer much more severely than those in this neighborhood. This opinion commends itself to me for the reason that I have in three months treated several more cases of trachoma than these statistics indicate, and, so far as I know, only one has resulted in impaired vision. This is not recorded, track of him having been lost before it occurred to me to collect these records. It therefore seems fair to say that this data does not reveal the true state of affairs concerning trachoma, which being contagious is competent, when neglected and no prophylactic precautions taken, to incapacitate villages and districts.

The Indian has no idea of contagious diseases, and unless taught to do so takes no precaution to prevent the spread of disease to his family or neighbors, and on account of the squalor and filth in which they live the wonder is that any of them have survived. A portion of them reside in fairly good, one-room frame houses with glass windows, which they never employ for ventilation. On the contrary, the ingress of all air is sacredly prevented by the thorough caulking of windows, doors, and cracks, and the houses being without chimneys air can not enter. Imagine now one, two, or even more cases of tuberculosis, who occupy the same room in addition to the children and friends of the family, and who expectorate large quantities of tubercular sputum, containing countless millions of tubercular organisms promiscuously about the room. Imagine, also, that the room is rarely swept, never scrubbed, and is constantly littered with bones abandoned by dogs and children, crumbs, dirt, and filthy rags. If you can also imagine foul-smelling garments thrown carelessly on the floor, a few cooking utensils of the crudest forms containing remains of the last meal, a simple board bunk, or perhaps two, a small sheet-iron affair used for a stove, and one bench, an idea may be formed of the interior condition of the fairly prosperous Indian's house. Exteriorly the scene changes but little; discarded garments and old shoes lying rotting in the moist soil; salmon skin and fresh flesh disintegrating; tin cans partially filled with stinking slush and half buried; rotten logs and decaying organic matter everywhere. Both inside and outside we find everything conducive to the propagation of germs which produce the disease that now threatens their extermination.

That much can be done to relieve this situation I am confident. By calling natives together through their headmen in the villages and giving them two talks on domestic sanitation and the rudimentary laws of hygiene, considerable success was attained. Through an interpreter they were taught that germs produced certain diseases, and conditions described which favored their growth. A few simple suggestions concerning their expectoration and the cleanliness of their houses found instant favor among them, and their premises were cleared of rubbish on the outside and the floors and walls scrubbed on the inside with strong solution of commercial lye. At the present moment I know of several families with pulmonary tuberculosis among the members who have taken every precaution I have suggested and continued the practice.

I find the Indians to be better patients than the average white man, and consider them a tractable people, easy to teach and eager to learn. They have none of the prejudices which characterize the American Indian; and readily adopt civilized methods when properly presented. It would, therefore, not be such a difficult problem to prevent the rapid spread of diseases which are now destroying them.

An experience of three years in tubercular work leads me to the belief that much can be done to prevent the spread of tuberculosis by the employment of the simple hygienic laws and the teaching of domestic sanitation. Not only could much be done in the line of prevention, but much in the line of bettering the condition of those afflicted. For instance, I find that those Indians who live in shacks used for smoking salmon—a rude board house with a hole 3 to 8 feet square in roof to permit smoke to escape—do not have tuberculosis. Inquiry among them sustained this view, and certainly I found no person occupying such a dwelling suffering from tuberculosis. Natives living in tents suffer much less severely than those residing in wooden buildings, and if they were taught to live in a tent or in a salmon barn it is not unfair to assume that many incipient cases could be cured, and many moderately advanced cases improved to such an extent as to be self-supporting instead of being a drain upon their fellows. If this should be practicable, they could be induced to keep a fire inside and to ventilate their houses sufficiently—a practice which is not contraindicated by this climate except in the severest weather, which usually lasts but a short time.

I doubt if any country in the world can show such a percentage of tubercular natives, and the mortality from this disease is really terrible. One has but to visit a few shacks and question the natives as to the cause of death of his brother or his sister, or to view from the door the number of scrofulous children squatting about in sputum and filth, to see old women, ragged and foul smelling, sitting upon the floor in a foot of pollution, feebly attempting to weave baskets, while their garments are defiled by the most dreaded of the human family, to realize the necessity for action on the part of humanity.

Inasmuch as our Government has seen fit to stifle yellow fever and malaria in Cuba and Panama, and at present is furnishing doctors to certain tribes of Indians in the United States, it occurs to me that steps might be taken here to relieve the suffering, and prevent the extermination of a people who have had no chance to learn, but who are self-supporting and have received no assistance from the white man.

Unfortunately, I am not able to express an accurate opinion concerning the percentage of disease among the Indians of Alaska who

are scattered along the coast to the Aleutian Islands and northward, but have inquired into the subject from every white man that could give me information. Those who have been all over Alaska assure me that the condition here does not differ from that elsewhere; everywhere the natives are dying of tuberculosis, and are being incapacitated by trachoma. The number of Indians described in this paper is, of course, small, but we can have no good reason to believe that mortality is less or conditions better at other points. If reports from intelligent white men and natives are to be believed, disease is even more prevalent in some portions of Alaska than in this vicinity. The statements of all who travel here are in accord.

With the view to lessen this needless sacrifice of human life I urge that the following recommendations be considered, and that the matter be referred to the proper department of the Government at Washington:

I. That Alaska be divided into a certain number of sanitary districts and a sanitary officer placed in charge of each district, his duties to comprise the treatment of the sick, the instruction of natives in domestic sanitation and elementary laws of hygiene, and in a simple way to elevate them along sanitary lines.

II. That an intelligent Indian sanitary inspector be appointed for each town having 200 or more Indian inhabitants, who will first take a course in the required work under the sanitary officer, and returning to his village disseminate this knowledge among his people, reporting to his sanitary officer each week the number of cases of tuberculosis and trachoma, so far as he can judge, and the measures instituted by the afflicted and family to prevent their spread.

III. That the sanitary officer be required to visit such village having a sanitary inspector in his district at least once a year and such other villages as may be accessible and transportation permits. On these missions the sanitary inspectors should call the natives together through their head men at some public point and deliver to them simple talks and suggestions concerning their welfare.

IV. That the sanitary officer further instruct the sanitary inspectors in their duties by mail and whenever occasion offers.

V. That such sanitary inspectors receive \$25 per month.

VI. That the duties of sanitary officers correspond in a general way to the duties of medical men in the Indian service in the United States and, in addition, the special sanitary work above enumerated.

VII. That a total of 16 sanitary officers be appointed.

VIII. That one chief sanitary officer be appointed, whose duties shall comprise the supervision of the sanitary officers and districts; the making of frequent inspections of districts, towns, and villages; giving legitimate directions to sanitary officers, and making such reports and recommendations as may be necessary. It is essential that the chief sanitary officer be a man of some experience in tuberculosis and general sanitary work.

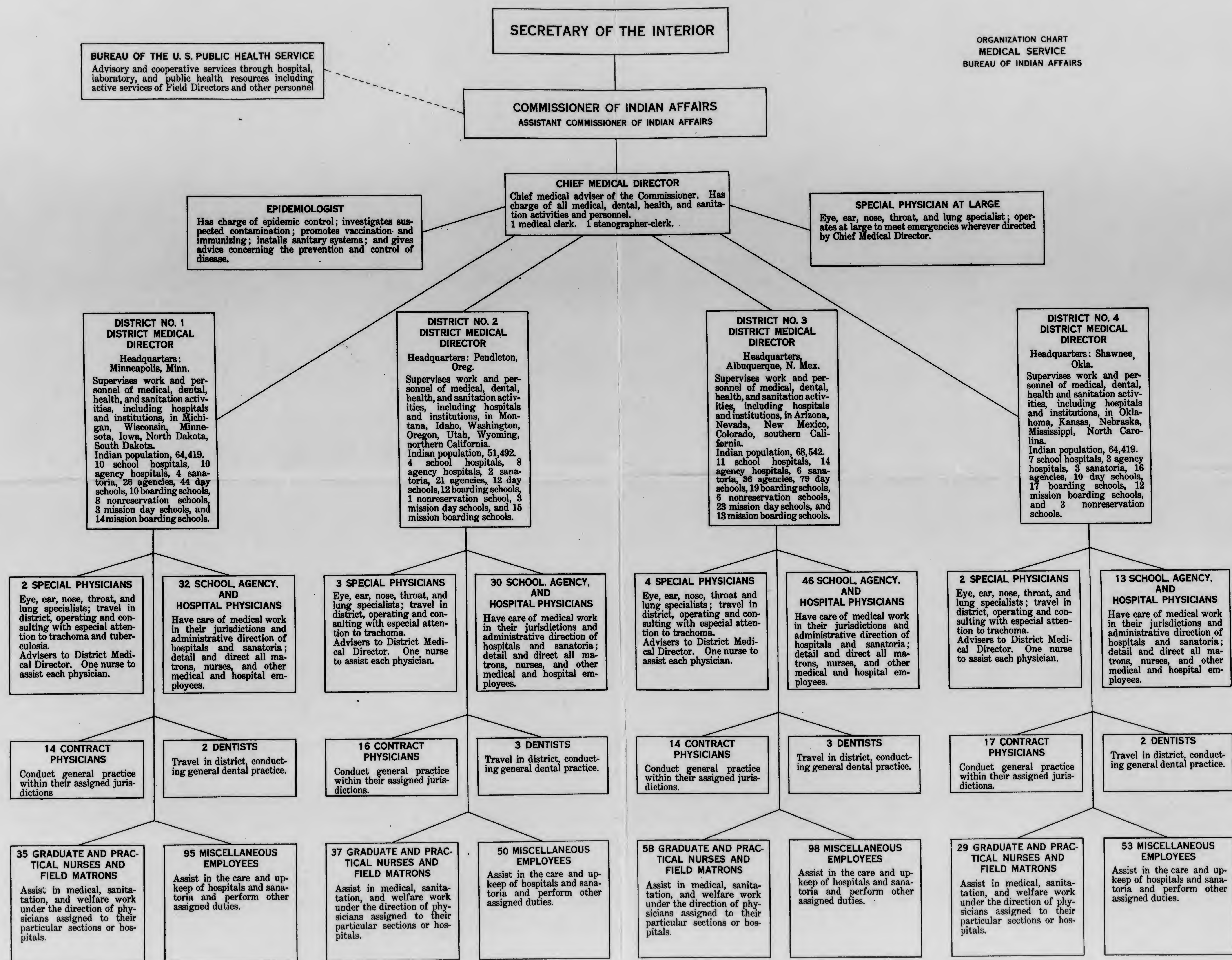
Very respectfully,

PAUL C. HUTTON,

Captain, Assistant Surgeon, U. S. Army, Surgeon.

The ADJUTANT-GENERAL,

Department of the Columbia, Vancouver Barracks, Wash.



SECRETARY OF THE INTERIOR

COMMISSIONER OF INDIAN AFFAIRS
ASSISTANT COMMISSIONER OF INDIAN AFFAIRS
Has general supervision and control of all matters relating to Indian affairs

ORGANIZATION CHART
EDUCATIONAL—AGRICULTURAL
INDUSTRIAL ACTIVITIES
BUREAU OF INDIAN AFFAIRS

**OFFICE ASSISTANT
TO GENERAL SUPERINTENDENT**
Has charge of correspondence and files and other assigned work.

GENERAL SUPERINTENDENT OF INDIAN AFFAIRS
Has charge of all educational, agricultural, and industrial activities and their personnel, including the superintendents of agencies and schools.

SUPERVISOR OF HOME ECONOMICS
Supervises instruction in home economics, health education, and institutional living conditions as directed by General Superintendent.

DISTRICT SUPERINTENDENT NO. 1
Headquarters: Lawrence, Kans.

Supervises all educational, agricultural, and industrial activities and their personnel in Kansas, Nebraska, Mississippi, North Carolina, eastern Oklahoma.
Indian population, 17,251.
6 jurisdictions, 12 reservations, 25 agency employees, 164 school employees, 8 day schools, 1 reservation boarding school, 2 nonreservation schools; Five Tribes.

DISTRICT SUPERINTENDENT NO. 2
Headquarters: Minneapolis, Minn.

Supervises all educational, agricultural, and industrial activities and their personnel in Michigan, Wisconsin, Minnesota, Iowa.
Indian population, 33,530.
14 jurisdictions, 24 reservations, 78 agency employees, 197 school employees, 7 day schools, 5 reservation boarding schools, 3 nonreservation schools.

DISTRICT SUPERINTENDENT NO. 3
Headquarters: Pierre, S. Dak.

Supervises all educational, agricultural, and industrial activities and their personnel in South Dakota.
Indian population, 24,241.
9 jurisdictions, 7 reservations, 184 agency employees, 249 school employees, 31 day schools, 3 reservation boarding schools, 3 nonreservation schools.

DISTRICT SUPERINTENDENT NO. 4
Headquarters: Browning, Mont.

Supervises all educational, agricultural, and industrial activities and their personnel in North Dakota, Montana, Wyoming.
Indian population, 24,861.
14 jurisdictions, 12 reservations, 250 agency employees, 207 school employees, 10 day schools, 7 reservation boarding schools, 2 nonreservation schools, 1 assistant district superintendent.

DISTRICT SUPERINTENDENT NO. 5
Headquarters: Fort Lapwai, Idaho.

Supervises all educational, agricultural, and industrial activities and their personnel in Idaho, Washington, Oregon.
Indian population, 21,651.
13 jurisdictions, 30 reservations, 137 agency employees, 165 school employees, 6 day schools, 4 reservation boarding schools, 1 nonreservation school.

DISTRICT SUPERINTENDENT NO. 6
Headquarters: Riverside, Calif.

Supervises all educational, agricultural, and industrial activities and their personnel in California, Nevada.
Indian population, 24,942.
11 jurisdictions, 51 reservations, 76 agency employees, 206 school employees, 16 day schools, 3 reservation boarding schools, 2 nonreservation schools.

DISTRICT SUPERINTENDENT NO. 7
Headquarters: Flagstaff, Ariz.

Supervises all educational, agricultural, and industrial activities and their personnel in Arizona.
Indian population, 43,950.
17 jurisdictions, 15 reservations, 196 agency employees, 485 school employees, 27 day schools, 12 reservation boarding schools, 2 nonreservation schools, 1 assistant district superintendent.

DISTRICT SUPERINTENDENT NO. 8
Headquarters: Albuquerque, N. Mex.

Supervises all educational, agricultural, and industrial activities and their personnel in New Mexico, Colorado, Utah.
Indian population, 24,445.
11 jurisdictions, 33 reservations, 157 agency employees, 355 school employees, 26 day schools, 8 reservation boarding schools, 2 nonreservation schools.

DISTRICT SUPERINTENDENT NO. 9
Headquarters: Anadarko, Okla.

Supervises all educational, agricultural, and industrial activities and their personnel in western Oklahoma.
Indian population, 18,657.
10 jurisdictions, 22 reservations, 169 agency employees, 204 school employees, 1 day school, 8 reservation boarding schools, 1 nonreservation school.

Commonwealth Club of California

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Commonwealth Club, California

[Chronicle 1758]

Oct. Nov. 10, 1924

53 Carmelita^a St
San Francisco
Nov 4. 1924

Dr C. Hart Merriam
Lagunitas.

Dear Sir,

There is to be a Conference
in the Commonwealth Club
Assembly Hall on Friday Evg,
[Nov. 7]
Nov 9th with reference to a
study of Indian affairs which
the Club is making.

The Chairman is having
a letter of invitation mailed from
the Clubrooms, which are closed today.

If you can find it convenient
to attend, the Section will
appreciate your co-operation.

The Section meets in the
Club Headquarters < 345 Sutter
St > every Thursday, at luncheon
12¹⁵, adjourning at 1³⁰, and
if you can drop in and
join us at any time you
will find a cordial welcome.

Yours sincerely
Alex. S. Gardiner

You doubtless know Mr L.A. Barnett
who is to report for the Land & Economics
Committee at the Luncheon Thursday,

Department of the Interior
Washington, D.C.
Dec. 12, 1923

Speech Delivered by Secretary of the Interior Hubert Work before
Advisory Council on Indian Affairs.

The Secretary of the Interior is responsible for the administration of the Government relations to the Indians, for their care and progress.

When this responsibility came to me a few months ago, I soon learned through those interested in these aboriginal Americans, from altruistic motives or from mercenary purposes, and those responsible to the Government for official acts were at variance on many details and that the public mind was in a state of chaos on this subject.

Treaty rights, equities under them, newly acquired wealth, religious teaching, schooling, health and agriculture, each in turn, were the center of discussion.

Press abuse of officials was indulged in. Words and acts were imputed to them they had not employed, and they were criticized and commended for obeying statute law.

The Indian problem was discussed glibly as though its limits were those of a neighborhood and its people subject to identical conditions. Few seemed to know that there are nearly 340,000 Indians distributed among 200 tribes, living in 28 States; that 100,000 of these are in no sense wards of the Government; that only those in 24 States were under its jurisdiction either partially or wholly.

Even fewer appeared to have appraised the fact that the various tribes with their environments differ as much in their characteristics and language as the nations of Europe and no more amenable to a common policy of ministrative government.

There were many found who believed that the American Indian should be left alone, in his primitive state, to be studied by artists or exhibited to the curious. There were more who would educate, Christianize and Americanize him, so that he might take his place among us and hold it for his children.

Because of the wide diversity of opinion among those interested but having different viewpoints, I decided to invite 100 intelligent men and women to give me the benefit of their knowledge, judgment and advice, and you have assembled in response to this invitation.

I will ask you to consider our Indians with reference to their relations to the Government, its administration of their affairs, their present condition, their rights, their property, and their future, in such detail as you may deem profitable.

I have no desire to intrude upon you my own views with the ulterior motive of influencing your state of mind concerning the matters I am about to lay before you.

You will consider, of course, that the passing frontier, the insistent encroachments of white settlers and business men, and the building of railroads, have materially affected conditions as they apply to the Indian and made it necessary for the Government to study means for their protection and welfare and that would insure their existence.

They could no longer continue to occupy large areas of territory and maintain their tribal customs intact and make their living by the Indians hunting and fishing. The Government's policy appears to have been to place them in environments of civilization, with proper education and training, thereby making them ultimately adaptable self-supporting citizens.

A tremendous question relates to releasing Indians from Government control.

The subject of their supervision and their property generally, is another matter you may wish to discuss.

Improvement in our service with reference to health conditions among the Indians.

More physicians of advanced attainments and more hospitals and other sick care facilities. Particularly young women trained as nurses or in welfare work.

Any recommendations or conclusions that you might reach in adopting a constructive plan along these lines will be very welcome.

For the purpose of enlarging the present facilities for the treatment of trachoma among Indians, there has been submitted to the Bureau of the Budget a supplemental estimate asking for \$100,000. If you should approve this request, it would be of great assistance. Doctor Haven Emerson, of the National Health Council, has voluntarily offered its services to make a survey and study of health conditions among the Indians. In view of the high standing of this organization and its personnel, I gladly accepted the offer. The survey is now being made.

The Commissioner of Indian Affairs, with my approval, wrote the several Governors of States having Indian population inviting their cooperation toward closer relations and a better understanding between the States and this Department in matters vitally affecting the Indians. A copy of the letter was mailed to each of you, hoping you would be interested.

I respectfully request you to consider the decentralization of many of the Indian Bureau's activities among the several States having Indian population; asking the State governments to assume responsibility through their State Boards of Health, Superintendents of Schools, Departments of Agriculture, Boards of Charities and Welfare, for the improvement, conduct and supervision of restricted Indians. The Indian Bureau would then only administer treaty rights, land

titles, and to collect the Indian funds, as it now does, and pay into the respective State treasuries sums the Bureau would otherwise expend in these divisions of the service.

Forty-two millions, seventy-two thousand, one hundred and fourteen dollars and five cents were expended by the Indian Bureau for the last fiscal year. Two-thirds of this total was distributed and paid to the Indians in per capita payments, the other third, a total of \$14,770,229.38 being expended for support of civilization, hospitalization, education, irrigation, etc.

<u>States.</u>	<u>Totals.</u>
Arizona.....	\$2,327,155.85
California	812,206.07
Colorado	97,206.23
Florida	8,143.68
Idaho	443,110.84
Iowa	83,142.46
Kansas	276,399.83
Michigan	115,502.92
Minnesota	452,013.19
Montana	1,676,131.48
Nebraska	186,056.33
Nevada	278,689.83
New Mexico	1,038,636.24
New York	27,957.16
North Carolina	60,546.73
North Dakota	505,979.36
Oklahoma	28,209,693.86
Five Civilized Tribes	1,301,729.25
Oregon	570,902.28
South Dakota	1,349,130.78
Utah	323,964.06
Washington	760,792.09
Wisconsin	874,607.08
Wyoming	292,416.45
Total	<u>42,072,114.05</u>

It might interest you to know that a few months ago I caused the organization of the Indian Bureau to be surveyed and its personnel and their service

analyzed by trained coordinators from another Department. I quote from the report:

"As a result of the survey that has been made of the Indian Office it was found that, taken as a whole, the officials and clerks, notwithstanding the low salaries, are loyal, industrious, and unusually interested in protecting the interests and advancing the welfare of the Indians. Many stated that inasmuch as their work deals with the human element, the opportunity to be helpful to less fortunate individuals, they prefer to remain in the Indian Office at the present salary grades rather than secure a transfer to another Bureau or Executive Department at increased compensation. In fact, a missionary spirit seems to prevail among the employees of the Bureau."

They reported that a reorganization of the working detail of the Bureau had already been made during the present administration and that a reduction of the force had ensued, effecting an annual saving of \$28,000.

I will be available at all times should you wish to consult me during your deliberations, as will also the Commissioner of Indian Affairs and other Bureau officials. The Commissioner hopes that you may feel free to visit the Bureau and study its procedure.

There happen to be in Washington, in connection with the work, a few of the prominent field officials, and they will be available for information or interrogation as your committee may decide. They are: Mr. H. P. Peairs, Chief Supervisor of Education; Mr. Shade E. Wallen, Superintendent of the Muskogee Agency of the Five Civilized Tribes in Oklahoma; Mr. J. George Wright, Superintendent of the Osage Reservation, Oklahoma; Mr. F. C. Campbell, Superintendent of the Blackfeet Reservation in Montana; and Mr. P. R. Wadsworth, Superintendent of the Consolidated Chippewa Agency at Cass Lake, Minnesota.

I have touched the more prominent matters upon which I seek suggestions. I assume that if you should undertake to consider individual questions, matters which relate to only a comparatively small number of Indians, it would be doubtful if you could give the time necessary to inquire into the larger problems whose ramifications extend into every Indian home and affect every Indian under the supervision of the Government.

I wish you to feel free to take up any subject you desire, believing that out of your discussions, your views, and conclusions, whether set forth as stated recommendations or suggestions, there will come much that will be of great value not only to this Department but to all other branches of the Government whose activities touch our Indians and influence their being.

COMMONWEALTH CLUB OF CALIFORNIA
345 Sutter Street, San Francisco
Telephone Douglas 4903

October 8, 1925.

*Ans. Yes - Oct 9, 1925 -
must - can*

INDIAN SECTION TO HAVE
DINNER MEETING
THIS TUESDAY EVENING

The Indian Affairs Section of the Commonwealth
Club will hold a dinner meeting at CAMILLE'S,
441 Pine Street,

THIS TUESDAY EVENING, OCTOBER 13th, 1925, AT 6:30 P.M.

It is planned at this dinner to discuss ways and
means of obtaining congressional action in behalf of
the Indians of California, so we particularly desire
a full attendance.

I trust that your reply on the enclosed postal
card will be favorable.

Very truly yours,

CHARLES De Y. ELKUS, Chairman

Section on Indian Affairs

COMMONWEALTH CLUB OF CALIFORNIA

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VICE-PRESIDENT - MAX THELEN
SECRETARY - MORTON R. GIBBONS, M. D.
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Oct. 11, 1924

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J. P. RETTENMAYER

INSURANCE
A. H. MOWBRAY

INTERNATIONAL RELATIONS
O. K. MCMURRAY

IRRIGATION
F. H. TIBBETTS

JANUARY MYSTERIES
JOSEPH M. CUMMING

LEGAL PROCEDURE
RANDOLPH V. WHITING

LIBRARY
R. S. GRAY

MINERAL RESOURCES
WALTER STALDER

MOTION PICTURE SURVEY
E. J. DUPUY

MUNICIPAL GOVERNMENT
FRANK V. CORNISH

NATIONAL DEFENSE
BRUCE CORNWALL

PUBLIC HEALTH
RAY LYMAN WILBUR

SCIENTIFIC RESEARCH
BARTON W. EVERMANN

STATE HIGHWAYS
CHARLES D. MARX

TAXATION

TRAFFIC HAZARDS
J. R. MOLONY

WATER POWER
F. H. FOWLER

Mr. A.S. Gardiner,
Balfour Bldg,
San Francisco, Calif.

Dear Sir:-

The Commonwealth Club has established a section on the study of the Indians of California. The effort will be to gather sufficient data to show their present condition from the view^{point} of health, education, economic independence and such other questions as may be vital.

It is a subject that has long been neglected and one which should prove fascinating and at the same time helpful both to the Indians and to the State in general. The rumor goes that sanitation and education have been badly neglected and that there are many of them who are landless and poverty stricken. The facts should be ascertainable.

Assuming that you would be interested in such an effort, I earnestly ask for your co-operation and that at least you come to the preliminary meeting for the formation of the section on -

THURSDAY, OCTOBER 16th, 1924 AT 12:15 P.M.

in the Club Rooms, 345 Sutter Street, where we may take the matter up at lunch.

Please note on the enclosed postal whether or not you will be present, and whether or not you are willing to serve on the Section.

Luncheon 85 ¢ per plate.

Yours very truly,

CHARLES de Y. ELKUS,
Chairman.

P. S. To insure rapid service, a fixed luncheon is being set for each day. Members desiring a special dish may order it by phoning on the day of the meeting.

COMMONWEALTH CLUB OF CALIFORNIA.

MINUTES OF THE MEETING OF THE SECTION ON INDIAN AFFAIRS.

Thursday, October 23, 1924.

The Section on Indian Affairs of the Commonwealth Club met at luncheon at the rooms of the Club, 345 Sutter Street, on Thursday, October 23rd, 1924.

The following were present:- Chas. de Y. Elkus (Chairman), A. S. Gardiner and guest (Dr. Gilchrist), Joseph F. Jensen, L. A. Barrett, Robert M. Searls, Dr. Edw. F. Glaser, R. L. Thomson, Wm. J. Drew, Charles C. Boynton, Dr. J. C. Perry, Miss Georgiana Carden, Dr. Eugene S. Kilgore, M. S. Nickelsburg (Secretary), and S. R. Ward (Assistant Executive Secretary).

It was agreed that the proposed meeting with all organizations interested in this survey would be held at the rooms of the Commonwealth Club, Friday evening November 7th, at 7:45 sharp. The Chairman stated that this is to be an independent study of the California situation, irrespective of other studies that have been made and are being made, excepting as we find them related.

The present secretary, or a representative, of every organization in California that is interested in Indian work, is to be invited to this meeting and in addition such individuals as are interested in the work. The letter of invitation is to tell of the nature of the investigation proposed by the Section and of the intention of making recommendations to the Commonwealth Club and to request attendance, or, if impossible to attend, the forwarding of suggestions as to what information it is considered advisable that we seek to obtain.

The Commonwealth Club is to request the Press Clipping Bureau to obtain for our use in this Section press clippings in reference to Indian affairs.

Dr. Glaser presented a report as the plan of the Health Committee, mentioning particularly that this is a very comprehensive plan and it is only tentative and subject to change as the work develops.

Dr. Kilgore and Dr. Perry contributed remarks in reference to Dr. Glaser's report.

Dr. Glaser read a telegram from Dr. Gilliehan, and a letter from Mr. Thompson. It is planned that Dr. Glaser should continue the work of the Health Committee along the plan laid out and Mr. Drew was requested to outline the plan of the Education Committee at the next meeting, Thursday, October 30, at 12:15 p.m.

Respectfully submitted,

M. S. NICKELSBURG,

Secretary of Section.

COMMONWEALTH CLUB OF CALIFORNIA

345 SUTTER STREET, SAN FRANCISCO, CAL.

Oct. 27, 1924.

TO THE MEMBERS OF THE

SECTION ON INDIAN AFFAIRS:

There will be a meeting of the Section on Indian Affairs in the Commonwealth Club rooms, 345 Sutter Street this

THURSDAY, OCTOBER 30th, 1924, AT 12:15 P.M.

Mr. William J. Drew has prepared a report as to the plans for his committee for an investigation of educational conditions among the Indians of California.

There will also be a general discussion of our plans for the next few months.

Please indicate on the enclosed card whether or not you will be present.

Yours very truly,

CHARLES de Y Elkus,
Chairman.

Oct. 27, 1924.

To the Members of the Indian Defense Association of Central and Northern California, and to the Directors of the several Indian Defense Associations and of the American Indian Defense Association, Inc.

On Oct. 22nd a meeting of this Board of Directors was held for the exclusive purpose of discussing phases of the legislative program for Indians. The discussion centered largely around the idea, which has been slowly maturing, and which has been submitted to varied criticism, of proposing a transfer to the Department of Agriculture of jurisdiction of the property of the Indians and chief responsibility for the Indian Service.

It was voted to submit this proposal, favorably recommended, to such of the Directors as were not present and to the membership, and simultaneously to the affiliated organizations, and Mr. Woehlke and Mr. Collier were instructed to prepare the summary enclosed herewith.

Concluding the statement, is a much briefer statement of other legislative, appropriative, etc., measures, some of which are implied in the proposal of transfer to the Department of Agriculture and some of which are desirable independently of any such transfer.

You are urged to give immediate thought to the enclosed memorandum and to act upon it as may seem advisable to you, with as little delay as possible. The session of Congress draws near.

Respectfully,

Ira D. Vayhinger
Organizing Secretary.

IDV.B

Not recd. till Nov 6, 1924

PROGRAM FOR COMMONWEALTH CLUB LUNCHEON

Friday, October 30, 1925.

Our Guests of today are:

Chief Snow-on-the-Mountain	Chief Journeying Star	Chief Willow Deer
Chief White Snow	Chief High Heaven	Chief Snow Deer
Chief Antelope River	Chief Deer of the Rain	Chief Red Beads
Chief Little Star	Chief Rainbow	Chief Eagle Tail

INTRODUCTORY REMARKS

by Chairman Charles A. Shurtleff.

"TABLOID HISTORY OF THE PUEBLO INDIANS"
by Chauncey S. Goodrich.

TWO MINUTES OF INDIAN LANGUAGE
by Chief Santiago Norengo,
(interpreted by Chief Sortiro Ortiz).

"THE PUEBLO SITUATION TODAY"
by Sortiro Ortiz (Chief High Heaven)

INDIAN SHIELD AND HOOP DANCE.

"PUEBLO RELIGIOUS CONDITIONS"
by Secretary of State Antonio Romero.

THE EAGLE DANCE.

*

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*

N.B. Members are requested not to move their seats
until announcement by Chairman as special table
arrangements have had to be made in order to provide
for the dancing platform.

COMMONWEALTH CLUB OF CALIFORNIA

345 SUTTER STREET, SAN FRANCISCO, CAL.

MINUTES OF THE MEETING OF THE SECTION ON INDIAN AFFAIRS.

October 30th, 1924.

The Section on Indian Affairs of the Commonwealth Club of California met at the rooms of the Club, 345 Sutter Street, on Thursday, October 30, 1924, at 12:15 p.m. Chairman Elkus presided and the following were present: Messrs. Barrett, Boynton, Drew, Gardiner, Glaser, *Dr Kilgore, Dr Lamy* Nickelsburg (Secretary), Searls, and Ward (Assistant Executive Secretary).

The Chairman read a copy of a letter of invitation sent to those whom it is desired to have attend a conference on November 7th, and read a list of the parties to whom this letter had been sent. Additional names were suggested by members of the Committee.

Mr. Drew presented his preliminary report of the plan of the sub-committee on education and read partially the report of Miss Georgiana Carden which is referred to therein.

It is planned for the next meeting that Mr. Drew will complete the reading of Miss Carden's report and Mr. Barrett will present an outline of a plan of work that his committee is to cover.

Mr. F. Jacobi will be the guest of the Section at its next meeting and has promised to give us an informal talk on Indian music.

Respectfully submitted,

M. S. NICKELSBURG,
Secretary of Section.

TO THE MEMBERS OF THE
SECTION ON INDIAN AFFAIRS:-

The next meeting of the Section on Indian Affairs, will be held in the Club rooms, 345 Sutter Street on -

THURSDAY, NOVEMBER 6th, 1924, AT 12:15 P.M.

Please indicate on the enclosed postal card whether or not you will be present.

Very truly yours,

CHAS. de Y. ELKUS,
Chairman of Section.

COMMONWEALTH CLUB OF CALIFORNIA

COMMITTEE ON THE

STATUS OF THE INDIAN IN CALIFORNIA

PRELIMINARY REPORT OF SUB-COMMITTEE ON EDUCATION

SAN FRANCISCO, OCT. 30, 1924.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

At the outset, your sub-committee considers it well to place before you the essential points or finding given in a previous investigation made by Miss Georgiana Carden in her official report to Mr. Will C. Wood State Superintendent of Public Instruction.
(Verbal Review presented here)

There are indicated below certain questions which when answered will form the basis for a policy and a program. Accordingly, this report is presented in the form of questions to which we seek the answers as matters stand today. We are proceeding without preconceived opinions and on the assumption that the answers are unknown at present.

The questions to be determined are:

What educational facilities are provided for the Indians in California, i.e. for both minors and adults?

What are the existing educational facilities both in a material sense and in specific courses of instruction?

What agencies are making these various provisions.

We have arranged these questions in the form of an outline of the subject which is incorporated as part of this report, copies of which have been handed to each member of the general committee present at this meeting.

SUGGESTED OUTLINE TO GUIDE INVESTIGATIONS.

- I Educational facilities for Indians in California.
 - A For who provided--
 - 1. Minors---Ages?
 - 2. Adults---Ages?
- II Provisions made by
 - A Indian bureau
 - B Other agencies
- III Schools -
 - A Types
 - B Locations
 - C Equipment
 - D Teaching Staff
 - 1. Salaries
 - 2. Requirements
 - 3. Tenure
 - 4. Appointment
 - E Courses of instruction in each.
 - F Measure of effectiveness
 - 1. Enrolment - number and percentage of Indian population
 - 2. Attendance- " " " " " enrolment.
 - 3. Case records of individual Indians going thru various types of schools.
- IV Support --
 - A How appropriated and apportioned.
 - B California's share in comparison with other States.
 - C Method of distribution to States and subdivisions.
 - D Tuition paid to State educational authorities for education of Indian children in public schools--
 - 1. How determined.
 - 2. How expended.
- V Relation of educational effort to health and economic condition

Respectfully submitted,



{ 67 Buena Vista Terrace
San Francisco

Chairman of Sub-Committee.

COMMONWEALTH CLUB OF CALIFORNIA
COMMITTEE ON THE
STATUS OF THE INDIAN IN CALIFORNIA
PRELIMINARY REPORT OF SUB-COMMITTEE ON EDUCATION
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- A Indian bureau
- B Other agencies

III Schools -

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- B Locations
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 1. Salaries
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 3. Tenure
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E Courses of instruction in each.

F Measure of effectiveness

1. Enrolment - number and percentage of Indian population
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3. Case records of individual Indians going thru various types of schools.

IV Support --

A How appropriated and apportioned.

B California's share in comparison with other States.

C Method of distribution to States and subdivisions.

D Tuition paid to State educational authorities for education

of Indian children in public schools--

1. How determined.
2. How expended.

✓ School conditions -

1. The first of these is the fact that the
 2. Government has been unable to secure the
 3. necessary funds to carry out its policy.
 4. The second is the fact that the Government
 5. has been unable to secure the necessary
 6. funds to carry out its policy.
 7. The third is the fact that the Government
 8. has been unable to secure the necessary
 9. funds to carry out its policy.
 10. The fourth is the fact that the Government
 11. has been unable to secure the necessary
 12. funds to carry out its policy.

У СЕРБИИ: 1941
В БИХОРСКОМ
В БИХОРСКОМ
В БИХОРСКОМ
В БИХОРСКОМ
У СЕРБИИ: 1941

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AD-78, DISTRICT OF COLUMBIA, DEPARTMENT OF THE ARMY, OFFICE OF THE ADJUTANT GENERAL, WASHINGTON, D.C.

THE UNIVERSITY OF CHICAGO PRESS

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF PHYSICS
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607-7080
TEL: (773) 936-7131
FAX: (773) 936-7131
WWW: WWW.PHYSICS.UCHICAGO.EDU

1. The first of these is the fact that the majority of the population of the United States is now living in urban areas. This is a result of the process of urbanization, which has been going on since the beginning of the 20th century. The second factor is the fact that the majority of the population is now living in the middle class. This is a result of the process of social mobility, which has been going on since the beginning of the 20th century. The third factor is the fact that the majority of the population is now living in the white middle class. This is a result of the process of racial segregation, which has been going on since the beginning of the 20th century.

COMMONWEALTH CLUB OF CALIFORNIA.

COMMITTEE ON THE

STATUS OF THE INDIAN IN CALIFORNIA.

PRELIMINARY REPORT OF SUB-COMMITTEE ON EDUCATION

SAN FRANCISCO, OCT. 30, 1924.

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- A. How appropriated and apportioned.
- B. California's share in comparison with other States.
- C. Method of distribution to States and subdivisions.
- D. Tuition paid to State educational authorities for education of Indian children in public schools--
 - 1. How determined.
 - 2. How expended.

V Relation of educational effort to health and economic condition.

Respectfully submitted,

WM. J. DREW, Chairman of
Sub Committee.

COMMONWEALTH CLUB OF CALIFORNIA

PRESIDENT - WILLIAM H. WASTE
VICE-PRESIDENT - MAX THELEN
SECRETARY - MORTON R. GIBBONS, M. D.
TREASURER - J. M. KEPNER
CHAIRMAN EXEC. COM. - E. T. THURSTON
EXECUTIVE SECRETARY - E. A. WALCOTT

345 SUTTER STREET, SAN FRANCISCO

TELEPHONE DOUGLAS 4903

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PRENTICE C. HALE
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ALONZO G. MCFARLAND
JAMES W. MULLEN
E. T. THURSTON
C. M. WOLLENBERG

October 31, 1924.

COMMITTEES AND CHAIRMEN

ADMINISTRATION OF JUSTICE
SAMUEL C. MAY

AGRICULTURE
THOMAS F. HUNT

BAY CITIES WATER SUPPLY
CHARLES GILMAN HYDE

CITY PLANNING
CARL J. RHODIN

COST OF GOVERNMENT
WILLIAM P. HUBBARD

DELINQUENCY
LYNN T. WHITE

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WM. H. JORDAN

EUGENICS

FORESTRY AND WILD LIFE
PAUL G. REDINGTON

HARBOR DEVELOPMENT
WALTER E. HETTMAN

IMMIGRATION
F. T. DUHRING

INDIAN AFFAIRS
CHAS. D. Y. ELKUS

INDUSTRIAL RELATIONS
J. P. RETTENMAYER

INSURANCE
A. H. MOWBRAY

INTERNATIONAL RELATIONS
O. K. MCMURRAY

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TRAFFIC HAZARDS
J. R. MOLONY

WATER POWER
F. H. FOWLER

Mr. C. Hart Merriam,

Lagunitas, Cal.

Dear Sir:-

The Commonwealth Club, through its Section on Indian Affairs, has undertaken to make a survey of existing conditions with respect to the Indians of California. It is our intention to investigate their situation as to health, economic conditions, educational opportunities, relationship to the State and Government and other matters going to their general welfare.

It is further our intention, after such investigation, to make findings and to print the same together with the facts upon which they are based and to urge upon the proper authorities the taking of such action as may alleviate such conditions as may need betterment.

As this undertaking will require work in various parts of the State, we desire the assistance of those particularly interested. Also, it is probably true that much information has already been gleaned and collated by those heretofore interested. We hope that we may have the benefit of this.

ON FRIDAY, NOVEMBER 7TH, AT 7:45 P.M.,

a meeting will be held at the ROOMS OF THE COMMONWEALTH CLUB at 345 SUTTER STREET, San Francisco, California, where a more detailed statement of our tentative plan will be made and at which time we would very much desire to have the attendance and suggestions of all those interested so that the benefit of their knowledge and experience may be incorporated in the final plan of procedure and their co-operation obtained in gathering the data and when that is done, advising as to the necessities shown and the best means of meeting them.

Recd. Nov. 6, 1924

Page -2-

If you are interested in the Indians of California, it would surely be helpful, if you could see your way clear to meet with us on November 7th, 1924. If this, for any reason, is impractical, kindly advise us as to whether or not you are willing to co-operate in our effort and to take upon yourself the doing of a definite piece of work and the supplying to us of such information as you may already have. Also, if you know of anyone who would be helpful in the work, their name or names would be very welcome.

Again urging you that your attendance on November 7th, will be very much appreciated and we are sure, helpful, we are

Very truly yours,

Charles de Y Elkus
Chairman.

COMMONWEALTH CLUB OF CALIFORNIA
345 Sutter Street, San Francisco
Telephone Douglas 4903

Nov. 4, 1925.

VITALLY IMPORTANT CONFERENCE ON
INDIAN POLITICAL SITUATION
TO BE HELD THIS SATURDAY NOON

The Indian Affairs Section will meet with Mr. and Mrs. H. Robert Braden, other State officials, and congressmen, to devise ways and means of putting into effect the findings of the Section with regard to our California Indians.

The meeting will be held in the Commercial Club rooms, Merchants Exchange Building, 465 California Street, this SATURDAY NOON, NOVEMBER 7th, 1925, AT 12:30 P.M.

I very much trust that your reply on the enclosed postal card will be favorable.

Very truly yours,

CHAS. De Y. ELKUS, Chairman

Section on Indian Affairs.

COMMONWEALTH CLUB OF CALIFORNIA.

MINUTES OF THE MEETING OF THE SECTION ON INDIAN AFFAIRS.

Nov. 13th, 1924.

Present:- Chairman Chas. de Y. Elkus, and Messrs. Drew, Greig, Gardiner, Barret, Rabinowitz, Drs. Glaser, and Kilgore, Wolfsohn, also Dr. C. Hart Merriam of Washington, D.C., and Ward (Assistant Executive Secretary).

Dr. Merriam of the Smithsonian Institute is one of the recognized authorities on the Indian question, having studied the problem for over thirty years; and Mr. Greig, who comes from Crescent City in Del Norte County, has been active in Indian work there, so this meeting was of exceptional interest.

Mr. Barrett presented the outline of what his Committee on Land and Economics proposed doing as regards a survey of the area of land held by Indians, number and area of allotments, etc., as he is peculiarly well fitted to secure such data for the Section from his work in the Forest Reservations.

Dr. Merriam was able to give us quite a few instances from his own experiences, showing the necessity, for basing the Section's findings on actual Field Work, and he recommended very highly the report given by Mr. Barrett.

We will have a completion of Mr. Drew's plans for the work of his Committee on Education at the next meeting of the Section which will be held at the Club Rooms, 345 Sutter Street, on -

THURSDAY, NOVEMBER 20th, 1924, AT 12:15 P.M.

Following this Dr. Edw. F. Glaser, will outline the ways and means which his committee ~~are~~ to adopt in accumulating significant data upon the medical conditions of California Indians.

Please indicate on the enclosed postal card whether or not you will be present.

Yours very truly,

CHAS. de Y. ELKUS, Chairman.

A. S. GARDINER, Secretary pro tem.

P. S. To insure rapid service, a fixed luncheon is being set for each day. Members desiring a special dish may order it by phoning on the day of the meeting.

CONSTITUTIONAL PRINCIPLES

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COMMONWEALTH CLUB OF CALIFORNIA.

MINUTES OF THE MEETING OF THE SECTION ON INDIAN AFFAIRS.

December 4th, 1924.

Present:- L. A. Barrett, C. C. Boynton & guest,
William J. Drew, A. S. Gardiner,
A. R. Heron, and Dr. Eugene S. Kilgore.

In the absence of the Chairman and Secretary, Mr. Barrett was appointed Chairman pro tem, and Mr. Gardiner, Secretary Pro tem.

The question arose as to having Miss Carden possibly make some survey for the Club, but Mr. Heron stated that the only trip she could possibly make would be to Hoopa Valley and as the expense of that would be quite heavy no action was taken.

Mr. Heron agreed to get a report from the different counties as to the number of Indians that received financial help from each county.

Mr. Gardiner and Mr. Drew were appointed on a committee to ascertain from the religious denominations, information regarding location of missions and number of Indians served in such settlements or schools, or in other ways.

Mr. Drew suggested that the Commonwealth Club should get information regarding the California Indians through the Allen's Press Clipping Bureau (Action deferred)

The Secretary Pro tem was requested to write to the State Penitentiary to ascertain the number of Indians there as compared with the number of whites from the different counties.

Mr. Heron was also requested to obtain if possible platform of some of the other Associations' interested in Indian affairs so that this Committee might avoid controversial questions.

Respectfully submitted,

A. S. GARDINER,
Secretary Pro tem.

COMMONWEALTH CLUB OF CALIFORNIA.

MINUTES OF THE MEETING OF THE SECTION ON CALIFORNIAN INDIAN AFFAIRS

December 11th, 1924.

Present:- Chas. de Y. Elkus, Chairman, Miss Georgiana Carden, Messrs: L. A. Barrett, A. S. Gardiner, Carl E. Melugin, and S. R. Ward (Assistant Executive Secretary)

Mr. Drew telephoned his regrets.

Miss Carden's report was discussed and she stated it would take about six weeks probably to bring it up to date by correspondence and that she would endeavor to do this.

The matter of Miss Carden making special visits on our account was deferred, pending discussion with the Board of Governors.

A letter was filed from Dr. Merritt of Washington which stated that 3,245 Indian children received school benefits in this State.

The Educational Committee will hold a special meeting this week.

The advisability of bringing a skeleton bill before the Legislative Committee was discussed, but no action taken.

A letter was filed from Warden Johnson of San Quentin, giving the number of Indians there; the percentage is exceedingly small.

Mr. Bartlett has returns from the Agricultural Department showing the number of Indians who farm over three acres of land. He mentioned that Santa Barbara County was formerly a very large Indian Section, but now only contains one Indian family.

The Hoopa Valley Reservation is reported to be the best in the State.

The Chairman reported that he was endeavoring to increase the membership for our next Committee Meeting.

Respectfully submitted,

A. S. GARDINER,

Secretary Pro tem.

COMMONWEALTH CLUB OF CALIFORNIA.

MINUTES OF THE MEETING OF THE SECTION ON CALIFORNIAN INDIAN AFFAIRS.

Thursday, December 18th, 1924.

Present:- Chas. de Y. Elkus, (Chairman), Miss Georgiana Carden, Messrs: William J. Drew, A. S. Gardiner, Major Overton, A. R. Heron, and S. R. Ward (Assistant Executive Secretary).

The Chairman announced that he was arranging a very active and interesting program to commence next month. It is planned to have speakers well-versed in Indian affairs address the Section frequently.

Mr. Drew, Chairman of the Sub-Committee on Indian Education, reported that a meeting had been held by his Committee at which Miss Carden, Prof. Kroeber, Mr. Melugin and himself had been present.

Miss Carden then distributed copies of a summary of the most vital sections of the political code which have to do with the education of Indian children and explained them to the Section in detail. (A copy of this abstract is enclosed herewith).

The Chairman then took up consideration of these questions, and the remainder of the meeting was devoted to a discussion of them in which all present took active part.

It was announced that the next meeting of the Section will be held on -

THURSDAY, JANUARY 8th, 1925, AT 12:15 P.M.,

in the Club Rooms, 345 Sutter Street, the meeting of January 1st being omitted because of the holiday season.

Respectfully submitted,

A. S. GARDINER,

Secretary, Pro tem.

COMMONWEALTH CLUB OF CALIFORNIA.

TEXT OF ADDRESS BY FRED G. COLLETT.

TO SECTION ON INDIAN AFFAIRS.

January 21, 1925.

Present:- Chas. de Y. Elkus (Chairman, Fred G. Collett (guest),
L. A. Barrett, Edw. F. Glaser, Carl E. Melugin(secy.),
R. M. Sealls, Leo J. Rabinowitz, C. C. Boynton and
son, Eugene S. Kilgore, and S. R. Ward (Assistant
Executive Secretary).

Fred G. Collett, Executive Representative of the Indian Board of Co-operation, gave the Indian Committee of the Commonwealth Club of California an illuminating review of Indian affairs relating to Federal and State administration. He prefaced his remarks with the statement that his observations had been gleaned ^{from} actual contact with California Indians, beginning in the fall of 1910 among some of the native sons of California residing in Colusa, Colusa County. "These observations within the state," he explained, "have been supplemented by frequent trips to Washington, D. C. for more intimate study of Indian affairs as administered by the Indian Bureau and officials there."

"Prior to 1910 the Indians six miles north of Colusa were known as the "grave-yard band." This distinction came to them because in an effort on the part of certain white people their lands had been misappropriated until they were huddled up in a wheat field surrounded by a barbed wire fence to keep them from trespassing on their own property. Their only water supply was a well ten feet deep among the graves of their ancestors. In 1910 they had just been moved on to some land purchased by the Government. The land, though small in quantity, about one-half acre per person, was good in quality. At that time these people had only six little homes 10x12 and 12x16 in which as many as eleven people were housed. Their sanitary conditions were most pitiful. These people, like all other Indian people throughout the State had been frequently evicted, driven from place to place. One Indian told us how he had been evicted nine times by nine different white settlers from nine homes which he had laborously constructed for himself and family. Today many changes are evident. There are twenty homes on the Colusa Rancheria, many of them quite modern with several rooms. It was here that I was successful in having established the first public school for Indians in California.

"To get at the Indian question fundamentally I shall need to go back a few years beyond California. Under the Spanish and Mexican laws these people had recognized rights. They could not be legally evicted from their lands. Under the Treaty of Guadalupe Hidalgo we guaranteed to protect them and their rights in fulfillment of the treaty agreement. A special Bill was passed by the Congress of the United States on March 3, 1851. The bill provided for a Commission to settle private land claims of California. It provided that all private land claims of California be presented to that commission

within a period of two years and it declared that failure to do so within that period would be regarded as an abandonment of all rights. This provision has been used under our laws to legally dispose of all Indian claims. This may be law but not justice. It was absurd to expect the Indians to appear before the commission of 1851.

"In the opinion of the Indian Board of Co-operation and its legal advisors this act though affecting several hundred Indian-Spanish grants does not disturb the major rights of California Indians. Under the act of 1851, however, the Indians lost all of their lands. The major portion of the Indians of the State, perhaps including those who had Spanish grants, had and still have in our opinion a right of occupancy. The powers discovering this continent, England, France, Spain and Little Portugal, each claiming sovereignty of soil by right of priority of discovery, all recognized the Indians' right of occupancy as a right.

"Dr. Walker, in his American Law, on this subject, said, 'They have a qualified right of occupancy which can only be extinguished by treaty, and upon fair compensation; until which they are entitled to be protected in their possession.' In fact, in one of the earliest records of the Supreme Court of the United States, in the case of the removal of the Cherokees from Georgia, we find the following sentence: 'The Indians are acknowledged to have unquestionable rights to the land which they occupy until such rights shall be extinguished by voluntary cession to the Government.'

"Under our Federal laws there are but two ways to extinguish the right of occupancy: the first, by voluntary cession to the Government; the second, by eminent domain.

("Eminent domain is the right or power of a sovereign State to appropriate private property to particular uses, for the purpose of promoting the general welfare.")

"When properties are taken by that process of law they can only be taken rightfully because they are needed for public use. Even then fair compensation must be given, as in the condemnation procedure under our state laws.

"Notwithstanding the facts related the California Indians are the only Indians in America who have not been paid for their rights in land. The Cherokees, Osages and other tribes have received millions of dollars for lands no better than those possessed by California Indians. The specific recognition to the California Indians right of occupancy was given not only in the treaty of Guadalupe Hidalgo and by the laws that controlled prior thereto, but was given by a special Act of Congress in 1851 which was passed by both the Senate and the House of Representatives of the United States and approved by the President of the United States. The Act set aside \$25,000 and the authority for a United States Commission to make treaties with the Indians of California. It is unbelievable that the Congress of that day would pass such an Act and appropriate \$25,000 to negotiate treaties for lands with a people who had no rights in them. This Act is regarded as a distinct recognition that the

Indians had certain rights in California soil.

"The treaties negotiated at that time, eighteen in number, provided that there should be kept for the Indians of California in all about 7,500,000 acres of land, that there should be given to them sundry goods, about \$1,800,000 for the lands the Indians released to the United States Government. These treaties, though approved by all-Indian Commissioner, Secretary of the Interior and the special Commission that negotiated them--failed of ratification in the Senate due to tremendous pressure brought to bear by gold seekers throughout California and the State Legislature. The State Legislature passed resolutions urging that the treaties be not ratified, that appropriations be made to remove the Indians from California to the arid Arizona deserts. One of the United States Senators of that day was known to be financially interested in the non-ratification of the treaties. He came to California in '49 and struck one of the richest finds in California, known as the Scott Valley claim in Siskiyou County. He was, one year after his arrival in California, chosen and sent to Washington as the Senator from California. He was present at the executive session at which the treaties were disposed of. It is now found that they were ordered back to the President, but for some reason not yet explained, they were pigeon-holed in the secret archives of the Senate of the United States where they lay securely buried for forty-three years.

"The Indian Board of Co-operation and its attorneys regard these treaties as evidence of Congressional recognition of the Indians rights and as evidence that will be most valuable in determining an equitable settlement. We contend that the Indian had a right of occupancy, that that right never been extinguished and that it is therefore valid today.

"We have pending two measures of relief. 1. A Court of Claims Bill authorizing all bands and tribes of Indians of California to present their claims of whatsoever nature to the United States Court of Claims. It provides for an appeal to the United States Supreme Court and that the courts shall render a judgment against the United States Government for any amount that may be found due. A similar bill came within one of passage by the 66th Congress. It had the hearty approval of the then Secretary of the Interior, Franklyn K. Lane, the then Commissioner of Indian Affairs Cato Sells. It had the unanimous recommendation for passage by the House and Senate Committees on Indian Affairs. It was passed by the Senate on its unanimous consent calendar. Its failure of passage by the House was due to calendar congestion during the last days of that Congress. 2. The second measure of relief is a test suit before the courts in Washington, D.C. in which we contend that the Indian of today has a right of occupancy and is entitled to an equitable settlement.

In my opinion more gifts, charity and gratuities will not dispose of our Indian problem; we should fairly recognize that the Indians have certain rights and that they are entitled to a court decision as to the validity and value of those rights. In the interim the Indians should be given admission to our public schools, to our county institutions of relief, aid should be rendered to the indigent Indian,

to the orphan and half orphan child in the same manner that we render relief to other residents in like circumstances. There are many cases in which the Supervisors, State and County administrators of charity should have their efforts supplemented by help from the Federal Government. The Federal Government should not act independently of the local authorities. Independent relief in separate Federal institutions for Indians leads to confusion as to responsibility, duplication of aid and frequently to no relief at all to the most needy.

The statements broadcasted to the effect that the Indian has a capacity only for third or fourth grade work in school is a libel against the Indian. The Indian has a capacity of rising to the white man's best, with equal education and development. In 1910 there were but few Indians in our public schools. Today there are more than 3,000. Then there were no Indian children in our high schools. Now there are more than 150. In 1910 we had no Indian students in our universities--now we have several attending the University of California.

"Congress has expended in excess of \$360,000 for homeless Indians in California. The policy is one of piecemeal gratuity. Sixty-one cents of every dollar thus expended goes for over-head expense and only 39 cents for land most of which is worthless. Of all land bought for the Indians in California not one acre of it has been secured by trust patents. This encourages inertia and indifference of the Indian. He is loath to improve land today that may be taken away from him tomorrow.

Prior to 1910 no Indians were admitted to the Public Schools. In 1910 the Federal Government made a contract with the school authorities for payment of a tuition, 35 to 60 cents per pupil. Today under contract this annual tuition amounts to about \$200,000, one-half of which goes to teachers and one-half for the general expense of the school district. The trustees may spend some of it for clothes, medical supplies, etc.

"Along the line of medical care, I am segregating the Indians from the whites. The test of 1917 established the fact that the Indian was 'a natural born citizen' and even if he is rated as merely a human being, he should be entitled to the same medical attention accorded whites.

"Several years ago the state legislature passed a law providing that school children living within a radius of three miles from a school must attend that school in preference to any other more distant. The law was declared unconstitutional. The Indian child in some districts is placed in a quandary. He may not be allowed to attend a nearby school although he cannot be compelled to attend another farther away, where perhaps race prejudice is not so strong. Two years ago Congress passed a bill making supervisors responsible for one-half the cost of indigent Indians. The Indian is entitled to County aid if in indigent circumstances but by ways devious which the Indian is unable to fathom, he is often deprived of this aid.

"The Indians of California need help. Many of them are starving and dying for want of proper care. Whether a ward, citizen or just a human being he should be given a square deal."

Responding to questions, Mr. Collett explained that the Sonoma County Indians are now well taken care of, while conditions in Lake County are improving from a very bad situation. In Colusa the Indians are destitute. At Rumsey, in Yolo County, the Indians have been shut out of the schools. "In Southern California," Mr. Collett explained, "the Indians are experiencing severe difficulties, with little or no land, seasonal work and lapses of unemployment." This hold in general for all California.

Touching on the immediate needs to help the Indian, Mr. Collett made a plea for their admission to the public schools. He said that the law was adequate to effect but that its enforcement lagged to the level of the whim and caprice of school trustees and community prejudice.

Mr. Collett promises to address the Section again on Wednesday, February 4th.

COMMONWEALTH CLUB OF CALIFORNIA.

Page 1.

The following bills have been introduced in the Legislature as the basis for possible definite legislative proposals during the second half of the present session of the legislature.

AN ACT MAKING AN APPROPRIATION FOR EMERGENCY RELIEF OF INDIANS IN CALIFORNIA.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of One Hundred Thousand Dollars (\$100,000), to be expended by the State Board of Health upon recommendation or approval of the committee appointed under the act entitled: "An Act providing for the appointment of a committee to investigate and report upon the economic, sanitary and educational conditions, needs and general welfare of the Indians of California, and appropriating the sum of \$25,000.00 to cover the cost of such investigation", Approved _____, 1925, for the emergency relief of Indians in California, residing either on or off Indian reservations, who may be suffering from lack of medical attention, food, clothing, fuel or shelter.

AN ACT PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE AND REPORT UPON THE ECONOMIC, SANITARY AND EDUCATIONAL CONDITIONS, NEEDS AND GENERAL WELFARE OF THE INDIANS OF CALIFORNIA, AND APPROPRIATING THE SUM OF \$25,000.00 TO COVER THE COST OF SUCH INVESTIGATION.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Governor of the State of California is hereby authorized and directed to appoint a committee of three persons, one of whom shall be an agricultural expert, for the purpose of making a complete survey and report to the Governor of the economic, sanitary and educational conditions and needs of the Indians of California, together with a recommendation as to specific measures to be adopted by the legislature of said state, or by the Congress of the United States or other government department, for the purpose of remedying and relieving any conditions which may be found unsatisfactory. In addition to the three members so appointed by the Governor, there shall be four ex-officio members of said committee, viz., the Governor of the State, Chairman of the State Board of Control, Secretary of the State Board of Health, and the State Superintendent of Public Instruction.

SECTION 2. None of the members of said committee shall receive any compensation for their services, but shall be allowed their actual traveling expenses in connection with the work of the committee. Said committee shall organize by electing a chairman and a secretary, and may employ such expert and clerical assistants, and incur such further expense as may be necessary to fully accomplish the purposes of this act, within the limits of such sums as are herein appropriated. Upon organizing it shall be the duty of this committee to investigate fully the economic, sanitary and educational conditions and needs of the Indians of California, and within the period of one year from the date at which this act becomes effective shall embody the results of their investigation and survey in a written report to the Governor of the State, together with their recommendations as provided in Section 1 hereof.

SECTION 3. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of Twenty-five Thousand Dollars (\$25,000.00), to be expended by said committee in the making of said investigation, survey and report.

COMMONWEALTH CLUB OF CALIFORNIA

345 SUTTER STREET, SAN FRANCISCO

TELEPHONE DOUGLAS 4903

Jan. 23, 1925.

U. S. FORESTRY
OFFICIAL TO SPEAK

TO THE MEMBERS OF THE

SECTION ON INDIAN AFFAIRS:-

The meeting of the Section on Indian
Affairs will be held in the Club Rooms, 345 Sutter
Street, on -

WEDNESDAY, JANUARY 28, 1925, AT 12:15 P.M.

Mr. L. A. Barrett has secured an official
from the United States Forestry Department to address
the Section.

Please indicate on the enclosed postal card
whether or not you will be present.

Yours very truly,

CHAS. DE Y. ELKUS, Chairman

Section on Indian Affairs.

COMMONWEALTH CLUB OF CALIFORNIA.

SUPERVISOR WEST ADDRESSES

INDIAN SECTION.

Wednesday, January 28, 1925.

Present:- Chas. de Y. Elkus (Chairman), T. E. West (Guest),
Members:- C. C. Boynton and son, L. A. Barrett, A. S.
Gardiner, and C. E. Melugin (Secretary).

T. C. West, Supervisor, U. S. Forest Service, gave the Indian Section an intimate glimpse of the so-called Digger Indians, Tuolumne County; Piutes and Washoes in Mono and Alpine Counties; the Hat Creek Indians in Shasta County, and the Klamath River Indians along Klamath River and its tributaries in Siskiyou and Humboldt Counties. In general Mr. West represents these Indians as being already semi-civilized and in some instances especially in the case of those Indians along Klamath River throughout the Klamath National Forest, unusual industry and prosperity prevails.

Mr. West's remarks provoked old mooted questions incident to every program of Americanization; to assist the Indian to self-dependence and good citizenship. What are the practical means and methods whereby the Indians' instincts and potential abilities may be capitalized for assimilation of the white man's ways; how can atavistic tendencies be checked, especially among those Indians who attend schools, (public or private), only to return after graduation to their tribes and primitive ways again.

The Digger Indians in Tuolumne County up to a few years ago with a few exceptions, were not provided with land, except small areas occupied by their villages and these areas were frequently owned by some white man. The villages consisted of poorly constructed cabins and tepes usually built of discarded lumber. They had no stock other than a few horses which were usually old and of little value. The men worked; (few regularly) at odd jobs. Occasionally a family would be found on a ranch where the man and woman both did odd jobs for a small wage. As a whole they were not dependable mere expert beggars and usually would work only when in need.

Education was shunned and few children attended school. Perhaps little effort was made to encourage them. Those who did attend were dull and made little progress. Health conditions were bad. The squaws and children and the older men depended upon cast off clothing given them by the whites. These Indians ate most anything in the way of food and even ate the flesh of horses that died on the range. Blind Indians were commonly found among the tribes. This blindness usually came on slowly and at about the age of 45. While it might have been caused by smoke in their small living quarters it was generally credited to disease.

The conditions I have described prevailed in the 80's and early 90's. About 1894 or 1895 the Indian Service purchased a ranch for these Indians and from that time on their conditions improved.

The Piutes and Washoes of Alpine and Mono Counties scarcely can be classed as ranch owners but some of them do own small, well developed farms. Many of them received allotments but when the allotments were made it seems they frequently preferred "pine nut" lands to agricultural lands and such land is seldom of value for agricultural use. Before the whites came to that part of the country it was the custom of the Indians to divide the "pine nut" lands among the members of the tribe. The nuts formed an important part of their daily fare.

Most of these Indians have horses; some have a few cattle, and in these latter days many of them own automobiles.

In some few cases the older members live in rather crude houses but generally they are found in fair cabins or good houses.

Very frequently a family will be found installed on a ranch where they have lived for years, the man working on the ranch and the woman in the house. Under such conditions they adopt the customs of the rancher and in former years went so far as to adopt the rancher's name. They often stay on the ranch when it passes to a new owner.

They are good workers and take pride in the ability shown in their work. They receive good wages but generally are not of a saving disposition. Unfortunately their work is generally seasonal. The women make baskets and drive a good bargain in disposing of them. Both the men and women are inveterate gamblers but they very seldom play against the white men in the latter's games of chance.

Many of these Indians go to school and obtain fair educations. Some of them learn trades such as blacksmithing, carpentering etc. The men profit more by education than the women. It is not an uncommon thing for a woman to come out of school well educated and nicely dressed, only to go back in a short time to the blankets and handkerchiefs as the major part of her dress, and to living in the way she had lived prior to going to school.

Generally the Piutes and Washoes are healthy and strong. They clothe themselves well, eat good wholesome food and live under fairly comfortable conditions. The men will drink liquor if they can obtain it and in the absence of liquor will use cologne or flavoring extract. But they usually limit their sprees to special occasions.

Generally the men can be classed as dependable employees, but like all humans there are exceptions to this rule.

The Hat Creek Indians cannot be considered as ranchers altho many of not all of them received allotments of land. In many cases the allotments covered timbered lands and a number of these have been sold to lumber companies; the money remaining in trust for the Indians. In some instances where suitable land was received the Indians are making fairly good use of it. They raise some crops and have some stock.

Many of the Indians have established homes on ranches owned by the whites where they work for a small wage. Others are gathered in small groups on lands allotted to some member of the tribe. They usually work on ranches, with cattle and on construction work. They are fairly industrious. The wages they receive are the same as are paid for similar white labor. Practically all of them have good horses and a few have automobiles. These Indians generally are strong and healthy; they clothe themselves well, eat wholesome food and live under fairly comfortable conditions.

The Indians along the Klamath River throughout the Klamath National Forest follow all occupations from laborer to politician. Most of them have small ranches which compare favorably with the neighboring ranches owned by the whites. A half breed and a man I believe is a full blood Indian are Justices of the Peace. A full blood is constable, a half breed is a Deputy Sheriff. Some run pack trains for tourists; others operate stages and truck lines. Many of them took sub-contracts in building the Klamath River road recently completed.

On the Klamath Forest we have a number of full bloods and half breeds employed in such positions as laborers, forest guards, lookouts, construction foreman, etc. One of our best construction men was a full blood Indian. We have found them to be loyal, dependable, and to have good judgment. These Indians are, with few exceptions, well housed and well clothed. They eat only wholesome food, much of which is raised on their own ranches. As a rule they are strong, healthy looking men and women. These Indians attend public schools which are located in each community and later many of them go away to finish their education. They are intelligent and compare favorably with the whites in that region in education. In 1923 Mr. Barrett and I attended a meeting of the Siskiyou County Grange at Happy Camp on the Klamath River. There were about 125 present, most of whom came in automobiles. Fully 60 per cent of those present were full or half blood Indians. After the meeting they had a banquet and dance. The meeting, banquet and dance would have done credit to the members of any organization. Similar meetings are held annually in this region and the Indians take an active part in most of them.

Below Martins Ferry on the Klamath River there is a stretch of country where Indians are found who are very much in their original state. Few white people go ~~thru~~ there and those who do are a great curiosity to the Indians. This condition is due to the fact that this region has always been difficult of access.

CARL E. MELUGIN, Secretary.

COMMONWEALTH CLUB OF CALIFORNIA.

SYNOPSIS OF LEGAL STATUS OF
CALIFORNIA INDIANS PRESENTED
TO THE INDIAN AFFAIRS SECTION
OF THE COMMONWEALTH CLUB
By
Chauncey S. Goodrich
May 14, 1925.

"The following discussion of authorities is necessarily lengthy, and a brief synopsis seems in order, on the subject of the legal status of the Indian in California.

The California Indian is a citizen of State and nation. When he lives the non-tribal, semi-American life, the state courts hold him entitled to all the privileges of citizenship and subject to all its obligations (save that the vagrancy and the militia laws do not as yet apply to him). The fact that he lives on untaxed government land and obtains some schooling and sporadic aid from the Federal government, do not affect his citizenship, his right to vote and to admission to state schools. He may live on a so-called "reservation", but his status, when he works off the reservation, is that of any other citizen. At the moment, however, the Indian's right to health and school service, at the hand of the state, is not in practice wholly admitted by those agencies which most closely affect him, i.e. the remote and poorer counties where the majority of Indians dwell.

The Supreme Court of the United States, on the other hand, continues to emphasize the fact that the California Indian, although a citizen, remains a ward of the nation, with the advantages and consequent disabilities of a person under tutelage. The tutelage exists in a measure over all Indians, whether living in tribal groups on reservations or as scattered individuals. The duty of the Federal government toward all Indians is according to the Court absolute and complete.

In practice, the executive branch of the government does not recognize this obligation. It has always in fact admitted a much more definite obligation toward Indians whose right to land, assistance and protection, was specifically safeguarded by treaty, than to those unfortunate Indians, like those of California, who (besides being of a more primitive type and having a less evolved tribal organization than their fellows across the Sierras) have never been able to point to a definite promise on the part of the United States measuring the irreducible minimum of protection to which they were entitled. Indians not safeguarded by treaty made when they were strong, and when their amity was desired, when they are weak get land and water as a matter of grace rather than of right. This fact accounts for the actual status of the California Indian, as reflected in the actions of the Department of the Interior. The latter does

admit a certain responsibility for those Indians who live on the statutory or executive-order reservations. But the measure of that responsibility is largely the Department's own caprice. And the facts that the reservations are generally of such poor land, or so waterless, that most of the Indians have to earn their living in the white world outside, and so largely lose their character as reservation Indians, further relieves the Department of responsibility. Towards the scattered Indian, the Department admits no responsibility whatsoever, partly on the ground that the reservation Indian has a preferential claim to the insufficient funds provided by Congress, partly on the ground that such a scattered Indian, being a citizen of the State, is now a state responsibility.

To conclude: The California Indian is a citizen of California, and as such is entitled to the benefit of certain agencies which at the moment do not generally recognize his claim to the advantages of full citizenship; he is at the same time a ward of the nation, and as such is entitled to certain of the benefits of tutelage which, as a matter of fact, are wholly denied him if he is a scattered Indian and but meagrely and capriciously granted him if he lives on a reservation. The two theories, of the State and the Federal Courts, somewhat conflict; the interested executive branches of the State and the Federal governments, respectively, do not at the moment put those theories into practice. The legal status of the Indian is somewhere between the two doctrines, his actual status somewhere else!

* * * * *

COMMONWEALTH CLUB OF CALIFORNIA.

NOTES ON VITAL POINTS IN THE POLITICAL CODE
BEARING UPON THE EDUCATION OF INDIAN CHILDREN IN CALIFORNIA.

There are three sub-divisions of sections of the Political Code (included within the California School law) dealing with the education of Indian children.

Section 1662 - Third - provides for the admission to the elementary day school of all Indian children residing within the district for whom the federal government may not have otherwise provided.

Two exceptions follow immediately. (1) The governing board of any district is given power to establish separate schools for Indian children. When this is done the Indian children are not eligible for attendance at the white school. (2) In a district where the federal government has established an Indian school or in an area not to exceed three miles from said Indian school, Indian children eligible for attendance at the federal school may not be admitted to the public school.

Section 1543 - Seventeenth - provides that a school district may enter into contract with the national government and to receive money for the Indian children in attendance in the schools under their jurisdiction. Any money shall be transmitted to the County Superintendent of Schools to be by him credited to special fund of the District. Any required amount of money so received may be used to provide suitable housing quarters for the teacher, and to meet the necessary expenses of erecting equipment and caring for school property; and also for the purpose of purchasing food or clothing or both for pupils in case of absolute necessity and want. On the receipt of such money, the Superintendent shall notify the clerk of the board of school trustees of the receipt of the money.

Section 1608 - a - provision that any district may contract with another district for services.

This provision dates from the legislature of 1923 it is designed to make it possible for districts to combine in setting up a separate school.

MEMORANDUM ON LEGISLATIVE PROGRAM

SUBMITTED WITH RECOMMENDATION BY THE BOARD
OF DIRECTORS OF THE INDIAN DEFENSE ASSOCIA-
TION OF CENTRAL AND NORTHERN CALIFORNIA.

The one way to approach the solution of the Indian Problem, the one way to bring about a lasting improvement in the condition of the Nation's ward, the American Indian, is through a reorganization of the Bureau of Indian Affairs.

It is obvious that any effort to improve the condition of the Indians must be made exceedingly difficult and costly, can be frustrated entirely or, if it succeeds temporarily, can be nullified, by the active opposition and disapproval of the Bureau which has almost autocratic control over the Indians. This is not an empty assumption.

The efforts of Presidents Taft and Roosevelt came to naught when they ran counter to the quiet resistance and passive hostility of the Indian Bureau responsible to an Interior Department not equipped with interest or with standards of service. Specifically, the Taft program of health service betterment and of the reorganization of business methods in the Indian Service was quietly suffocated; the Roosevelt program of utilizing for the Indian all available Federal services, fully formulated by Roosevelt's Indian Commissioner, Leupp, was abolished when Roosevelt went out of office.

A more recent illustration is the experience of General Hugh M. Scott when, as member of the Board of Indian Commissioners, he recommended for more than ten years that a certain simple action be taken to prevent the killing of more Southern Paiutes by settlers. The Indian Bureau pigeonholed or contemptuously disregarded his recommendations until the predicted bloodshed did occur and the club of public sentiment pounded the Interior Department into belated action.

Conceding the necessity of the Indian Bureau's reorganization, how can such reorganization be brought about most effectively?

By transferring the Indian Bureau from the Department of the Interior to the Department of Agriculture. In 1849, control over the Indians was transferred from the War Department to the Department of the Interior by a short, concise Act of Congress. A simple enactment by Congress will be sufficient in 1925 to transfer the Indian Bureau to the Department of Agriculture.

Why should such a transfer be made?

Because the atmosphere of the Interior Department is permeated with politics and inimical to constructive effort. It is no secret, for instance, that Stephen F. Mather, director of the National Parks Service, a man who has unselfishly devoted many years of his life and many thousands of dollars of his fortune to the upbuilding of these national playgrounds, suffered a breakdown in the uncongenial atmosphere of this Department while its destinies were in the hands of Albert Fall.

The primary function of the Interior Department was and is the supervision and regulation of the processes through which the Federal Government gave away the natural resources of half a continent. It was the transfer agent for property worth hundreds of billions. As a logical result it became at its best the Department which could more or less legitimately extend favors to the faithful and their friends, which could reward the ins and punish the outs; at its worst it became the tool of grafters and corruptionists seeking to enrich themselves at the expense of the Nation. No constructive policy designed

Read, Nov. 6, 1924

to conserve the natural resources ever originated in the Interior Department. When Roosevelt decided that the Western timber lands remaining in public ownership must be saved from the grabbers, he developed the control of these forests under the Department of Agriculture.

And the Agricultural Department conserved them. Today even the lumbermen concede the wisdom of making it, and not the Department of the Interior, trustee over the forests.

Is the conservation of trees most important than the conservation of a race whose treatment in America by Americans parallels the persecution of the Armenians by the Turks?

The Interior Department's primary concern is the transfer of property. The activities of the Department of Agriculture, on the other hand, are primarily constructive and conservational. The Interior Department disposes of, gives away; the Agricultural Department retains, develops, builds up and puts to the highest possible use that which is given into its custody. It is the task of the Department of Agriculture to educate the rural population in better living and better production - exactly the task which confronts the Indian Bureau and in which this Bureau has utterly failed.

The Department of Agriculture through its various divisions, the Forest Service, the Bureau of Animal Industry, the Farm Markets Service, through its county farm agents, etc., etc., is far better equipped to perform the function of educating the Indian and making him able to support himself on his own land than the present Indian Bureau is or ever will be. The entire machinery of the Agricultural Department can be put to work on the Indian reservations from which it is now rigidly excluded. It can do the job twice as efficiently, and at a smaller cost than the present Indian Bureau because it needs merely to extend its existing organization to cover the reservations.

A chief need of the Indian Service is the bringing into action of state and county departments, in co-operation with the Federal Service. The whole policy, structure, and method of work, of the Department of Agriculture has been developed as a co-operative system sustaining and assisting the local branches of Government in doing their work of rural education, agricultural organization, etc.

Possibly the most incongruous fact about the policy--or practice--of the Indian Bureau, is its effort to apply uniform methods to hundreds of varied situations. The same mechanical routine--even the same educational curriculum--is used for tribes situated as differently as the North Carolina Cherokees, the Plains Indians, the ancient agricultural Pueblos and the shepherding Navajos. In contrast, the Department of Agriculture in its vast educational and community organization work has proved that it is able to accommodate its means to its ends. It does the thing that a given rural population socially and economically needs to have done. For example, the Department of Agriculture's methods are strikingly different as between the farm service for the Negro populations in states like Alabama and the farm service of the Wheat Belt. These again are different from the system that has developed in West Virginia through co-operation with the state authorities, and different again from the California farm bureau system. In brief the Department of Agriculture tries to serve its constituents, is interested in getting results, and measures and honestly reports its own successes and failures; and the opposite of all that is here said has been true of the Indian Bureau from the beginning and is equally true today.

Considering that every factor favors such action and no valid reasons against it can be advanced, the Indian Defense Association of Central and Northern California should call upon its co-operating bodies to join in a determined effort to put the necessary legislation before the next session of Congress. The lamented death of Secretary of Agriculture Wallace does not alter the situation, save that

momentarily it may increase the difficulty of politically effecting the program. Secretaries of Interior and of Agriculture come and go, but the contrasting traditions, spirits and methods of working of the two departments grow more marked as the years pass.

However, the mere transfer from one department to the other will not suffice. The transfer should be accompanied by legislation giving the Secretary of Agriculture full authority to reorganize the Bureau turned over to him. And, in justice to the Indian, legislation should be passed giving him constitutional rights, namely:

Habeas corpus; no seizure and search without warrant; right to legal counsel; jury trial when demanded; free speech, free assemblage and liberty of conscience; right of parental guardianship; and due process of law.

Further provision as follows:

1. Statutory protection of the Indians' rights to executive order reservations (22,000,000 acres in area).
2. No sale or lease of Indian properties, personal or tribal, without the consent, as appropriate, of (a) the Indians involved or (b) Congress.
3. Statutory requirement of public advertising and competitive bidding in the sale or lease of Indian properties.
4. Consent of Congress before there shall be (a) new allotment, or (b) further fee-simple patenting of allotted lands.
5. The Indians, individual and tribal, to be given by statute an effective voice in the disposal of individual and tribal moneys or credits.
6. The Indian, individual and tribal, to be given the protection of a court review, when asked, over the trustee's and guardian's acts.
7. The penal codes enacted by the Department of the Interior to be abolished and a penal code enacted by Congress to be substituted.
8. The Indians as tribes to be permitted to incorporate and to hold land corporately.
9. The "gag" laws affecting the non-Indians on reservations to be repealed in some instances, amended in others.
10. The jurisdiction over Indian medical service to be transferred to the United States Public Health Service.
11. Civil service re-classification and changed appropriations, abolishing useless positions, increasing the salaries for useful position, and making possible a staff-and-line organization and a career of orderly advancement in the service.
12. Statutory requirement of publicity for all financial facts of the Indian administration and for all departmental regulations affecting Indian person or property.
13. Introduction of the principle of grants-in-aid, as already established with relation to industrial training, agricultural education, etc.; this as a necessary step toward the placing upon the States an increased responsibility for the Indians without a surrender of the regulative power of the Federal Government.
14. The Indians to be admitted to the use of credit facilities such as are available to all other farmers, stockmen, etc.; to the end, incidentally, of doing away with the dishonest and enslaving system of reimbursable loans to Indians.

N.B.--The above statement does not outline the manifold constructive policy, educational, economic, etc. which would be attainable after the Department of Agriculture had received jurisdiction over the Indians and the Indian estate. Also it does not mention the existing undertakings and proposals for special groups, such as Oklahoma, the Navajos, the Pueblos and the California Indians.

COMMONWEALTH CLUB OF CALIFORNIA.

SUPERVISOR WEST ADDRESSES

INDIAN SECTION.

Wednesday, January 28, 1925.

Present:- Chas. de Y. Elkus (Chairman), T. E. West (Guest),
Members:- C. C. Boynton and son, L. A. Barrett, A. S.
Gardiner, and C. E. Melugin (Secretary).

T. C. West, Supervisor, U. S. Forest Service, gave the Indian Section an intimate glimpse of the so-called Digger Indians, Tuolumne County; Piutes and Washoes in Mono and Alpine Counties; the Hat Creek Indians in Shasta County, and the Klamath River Indians along Klamath River and its tributaries in Siskiyou and Humboldt Counties. In general Mr. West represents these Indians as being already semi-civilized and in some instances especially in the case of those Indians along Klamath River throughout the Klamath National Forest, unusual industry and prosperity prevails.

Mr. West's remarks provoked old mooted questions incident to every program of Americanization; to assist the Indian to self-dependence and good citizenship. What are the practical means and methods whereby the Indians' instincts and potential abilities may be capitalized for assimilation of the white man's ways; how can atavistic tendencies be checked, especially among those Indians who attend schools, (public or private), only to return after graduation to their tribes and primitive ways again.

The Digger Indians in Tuolumne County up to a few years ago with a few exceptions, were not provided with land, except small areas occupied by their villages and these areas were frequently owned by some white man. The villages consisted of poorly constructed cabins and tepes usually built of discarded lumber. They had no stock other than a few horses which were usually old and of little value. The men worked; (few regularly) at odd jobs. Occasionally a family would be found on a ranch where the man and woman both did odd jobs for a small wage. As a whole they were not dependable mere expert beggars and usually would work only when in need.

Education was shunned and few children attended school. Perhaps little effort was made to encourage them. Those who did attend were dull and made little progress. Health conditions were bad. The squaws and children and the older men depended upon cast off clothing given them by the whites. These Indians ate most anything in the way of food and even ate the flesh of horses that died on the range. Blind Indians were commonly found among the tribes. This blindness usually came on slowly and at about the age of 45. While it might have been caused by smoke in their small living quarters it was generally credited to disease.

The conditions I have described prevailed in the 80's and early 90's. About 1894 or 1895 the Indian Service purchased a ranch for these Indians and from that time on their conditions improved.

The Piutes and Washoes of Alpine and Mono Counties scarcely can be classed as ranch owners but some of them do own small, well developed farms. Many of them received allotments but when the allotments were made it seems they frequently preferred "pine nut" lands to agricultural lands and such land is seldom of value for agricultural use. Before the whites came to that part of the country it was the custom of the Indians to divide the "pine nut" lands among the members of the tribe. The nuts formed an important part of their daily fare.

Most of these Indians have horses; some have a few cattle, and in these latter days many of them own automobiles.

In some few cases the older members live in rather crude houses but generally they are found in fair cabins or good houses.

Very frequently a family will be found installed on a ranch where they have lived for years, the man working on the ranch and the woman in the house. Under such conditions they adopt the customs of the rancher and in former years went so far as to adopt the rancher's name. They often stay on the ranch when it passes to a new owner.

They are good workers and take pride in the ability shown in their work. They receive good wages but generally are not of a saving disposition. Unfortunately their work is generally seasonal. The women make baskets and drive a good bargain in disposing of them. Both the men and women are inveterate gamblers but they very seldom play against the white men in the latter's games of chance.

Many of these Indians go to school and obtain fair educations. Some of them learn trades such as blacksmithing, carpentering etc. The men profit more by education than the women. It is not an uncommon thing for a woman to come out of school well educated and nicely dressed, only to go back in a short time to the blankets and handkerchiefs as the major part of her dress, and to living in the way she had lived prior to going to school.

Generally the Piutes and Washoes are healthy and strong. They clothe themselves well, eat good wholesome food and live under fairly comfortable conditions. The men will drink liquor if they can obtain it and in the absence of liquor will use cologne or flavoring extract. But they usually limit their sprees to special occasions.

Generally the men can be classed as dependable employees, but like all humans there are exceptions to this rule.

The Hat Creek Indians cannot be considered as ranchers altho many of not all of them received allotments of land. In many cases the allotments covered timbered lands and a number of these have been sold to lumber companies; the money remaining in trust for the Indians. In some instances where suitable land was received the Indians are making fairly good use of it. They raise some crops and have some stock.

Many of the Indians have established homes on ranches owned by the whites where they work for a small wage. Others are gathered in small groups on lands allotted to some member of the tribe. They usually work on ranches, with cattle and on construction work. They are fairly industrious. The wages they receive are the same as are paid for similar white labor. Practically all of them have good horses and a few have automobiles. These Indians generally are strong and healthy; they clothe themselves well, eat wholesome food and live under fairly comfortable conditions.

The Indians along the Klamath River throughout the Klamath National Forest follow all occupations from laborer to politician. Most of them have small ranches which compare favorably with the neighboring ranches owned by the whites. A half breed and a man I believe is a full blood Indian are Justices of the Peace. A full blood is constable, a half breed is a Deputy Sheriff. Some run pack trains for tourists; others operate stages and truck lines. Many of them took sub-contracts in building the Klamath River road recently completed.

On the Klamath Forest we have a number of full bloods and half breeds employed in such positions as laborers, forest guards, lookouts, construction foreman, etc. One of our best construction men was a full blood Indian. We have found them to be loyal, dependable, and to have good judgment. These Indians are, with few exceptions, well housed and well clothed. They eat only wholesome food, much of which is raised on their own ranches. As a rule they are strong, healthy looking men and women. These Indians attend public schools which are located in each community and later many of them go away to finish their education. They are intelligent and compare favorably with the whites in that region in education. In 1923 Mr. Barrett and I attended a meeting of the Siskiyou County Grange at Happy Camp on the Klamath River. There were about 125 present, most of whom came in automobiles. Fully 60 per cent of those present were full or half blood Indians. After the meeting they had a banquet and dance. The meeting, banquet and dance would have done credit to the members of any organization. Similar meetings are held annually in this region and the Indians take an active part in most of them.

Below Martins Ferry on the Klamath River there is a stretch of country where Indians are found who are very much in their original state. Few white people go ~~thru~~ there and those who do are a great curiosity to the Indians. This condition is due to the fact that this region has always been difficult of access.

CARL E. MELUGIN, Secretary.

COMMONWEALTH CLUB OF CALIFORNIA

345 SUTTER STREET, SAN FRANCISCO

TELEPHONE DOUGLAS 4903

Jan. 30, 1925.

MR. COLLETT CONSENTS
TO SPEAK AGAIN

The meeting of the Section on Indian Affairs
to be held at the Club Rooms, 345 Sutter Street, on -
WEDNESDAY, FEBRUARY 4th, 1925, AT 12:15 P.M.,
will be addressed by Mr. Frederick Collett, President
of the Indian Board of Co-operation of San Francisco.
The talk will be a continuation of his interesting
address of January 21st.

Please indicate on the enclosed postal card
whether or not you will be present.

Yours very truly,

CHAS. DE. Y. ELKUS,

Chairman.

Collett vs Justice

COMMONWEALTH CLUB OF CALIFORNIA

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March 13, 1926

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SCIENTIFIC RESEARCH

BARTON W. EVERMANN

STATE HIGHWAYS

CHARLES D. MARX

TRAFFIC HAZARDS

CHRISTOPHER M. BRADLEY

WATER POWER

F. H. FOWLER

Dear Sir:-

"California Indians--Whither?" will be the subject of a dinner meeting presentation of the Commonwealth Club at the St. Francis Hotel Colonial Ball Room this Thursday evening, March 18th.

The Club's Section on Indian Affairs, under the leadership of Mr. Charles De Y. Elkus, have devoted more than a year to field studies of California Indian conditions. The results of these studies are embodied in the following program:

"The Stories of the 18 Lost Treaties" an introduction, by Chairman Charles De Y. Elkus.

"The Indian in the Court Room" by Chauncey S. Goodrich, attorney.

"The Indian in the School Room" by Principal William J. Drow of the Mission High School.

"Fish, Deer and Acorns vs. Barren Lands and Starvation" by L. A. Barrett of the United States Forestry Service.

"The Indian under our Modern Medicine Men" by Dr. Edward F. Glaser of the State Health Department.

"Uncle Sam and the Indians", an answer to criticisms, by Colonel Dorrington, United States Indian agent at Sacramento.

"An Indian Speaks" by Robert Scott, a full blooded Indian veteran of the World War, who will also sing and dance.

An hour will be allowed for five-minute talks from the floor.

The dinner will be open to ladies. Tickets at \$1.50 each may be secured at the offices of the Commonwealth Club, 345 Sutter street, San Francisco by presenting this letter before 3 P.M. on March 18th. You may also secure tickets for guests if you desire.

Dinner will be served at 6 P.M. The evening's program will commence at about 7:45. About 100 seats in the gallery will be open to the public without charge, first come, first served.

Very truly yours,

Stuart R. Ward
Asst. Executive Secretary

Collett vs Justice

April 1925

COMMONWEALTH CLUB OF CALIFORNIA.

WARM DEBATE ON INDIAN BILLS

Messrs. Elkus, Collier, and Collett

Present Various Aspects of Proposed Measures.

Present:- Chas. de Y. Elkus (Chairman), L. A. Barrett, E. S. Kilgore, C. E. Melugin, Dr. Collier, Frederick Collett (Speaker), S. McKelvie, J. W. Young, Walker, Gillis, Clark, Leo J. Rabinowitz.

"Will Senate Bills 336 and 337 introduced in the State legislature by the Indian Affair Section of the Commonwealth Club of California be a help or a hindrance in advancing the welfare of the California Indians without impairing other pending Indian legislation, notably that sponsored by the Indian Board of Cooperation of which Frederick Collett is President?"

This question furnished the piece de resistance at the Section's Wednesday noon luncheon meeting April 8th. Discussion assumed a three-cornered argument with Charles de Y. Elkus, President of the Section, John Collier, Secretary of the (National) Indian Defense Association and Mr. Collett holding respective positions.

Mr. Collett appeared with several Indians as the outspoken opponent of Senate Bills 336 and 337, one designed to afford the California Indians immediate, temporary medical relief by an appropriation of \$100,000 and the other bill providing \$25,000 for a survey and report to be made within a year on conditions economic, sanitary and educational concerning our remnant native sons of California.

Mr. Collett appeared before the Section as the champion of the Court of Claims bill to the exclusion of all other Indian legislation relative to California. He argued that Senate Bills 336 and 337 do not provide a permanent solution of the Indian problem in California; that they militate against the best interests of the Indians in this State; that the Indians demand their day in court and enforcement of treaty laws; that any legislation in this state would tend to confuse and befog the issues involved in the Court of Claims Bill and furnish the opposition with new pretexts for delay.

Mr. Elkus parried these trusts by emphasizing that Senate Bills 336 and 337 do not purport to solve the Indian problem in California; that the bills represent merely an attempt on the part of the State to discharge its plain obligations to a portion of its neglected citizenry; that facts adduced by investigators would strengthen rather than weaken the representations and charges alleged or implied in the Court of Claims Bill; that, contrariwise, the Court of Claims Bill should not be allowed to deter the state from discharging its obligations apart and separate from federal legislation.

Mr. Collier buttressed this recital by citing instances of actual experience where state investigations have reacted to the distinct advantage of parallel federal legislation. It would restate and give the Court of Claims Bill statewide and nationwide publicity and win it support which may be needed later on in the final dash across the red tape, a tape held astutely high by the ingenious resources of the Indian Bureau at one end and by the innocuous desuetude of the presidential pocket veto at the other end.

"Do these two Senate Bills cloud titles"? queried Mr. Collier. "No", he answered before the Indians had a chance to speak their first syllable. "The interests of the State parallel those of the Court of Claims Bill. There is no conflict endangering or compromising either group of legislation. The attitude of the Indian Board of Cooperation is assumptive rather than constructively critical."

John Gillis, an Indian, spoke briefly in a spirit of compromise.

Respectfully submitted,

CARL E. MELUGIN,

Secretary.

COMMONWEALTH CLUB OF CALIFORNIA.

SYNOPSIS OF LEGAL STATUS OF
CALIFORNIA INDIANS PRESENTED
TO THE INDIAN AFFAIRS SECTION
OF THE COMMONWEALTH CLUB

By
Chauncey S. Goodrich
May 14, 1925.

"The following discussion of authorities is necessarily lengthy, and a brief synopsis seems in order, on the subject of the legal status of the Indian in California.

The California Indian is a citizen of State and nation. When he lives the non-tribal, semi-American life, the state courts hold him entitled to all the privileges of citizenship and subject to all its obligations (save that the vagrancy and the militia laws do not as yet apply to him). The fact that he lives on untaxed government land and obtains some schooling and sporadic aid from the Federal government, do not affect his citizenship, his right to vote and to admission to state schools. He may live on a so-called "reservation", but his status, when he works off the reservation, is that of any other citizen. At the moment, however, the Indian's right to health and school service, at the hand of the state, is not in practice wholly admitted by those agencies which most closely affect him, i.e. the remote and poorer counties where the majority of Indians dwell.

The Supreme Court of the United States, on the other hand, continues to emphasize the fact that the California Indian, although a citizen, remains a ward of the nation, with the advantages and consequent disabilities of a person under tutelage. The tutelage exists in a measure over all Indians, whether living in tribal groups on reservations or as scattered individuals. The duty of the Federal government toward all Indians is according to the Court absolute and complete.

In practice, the executive branch of the government does not recognize this obligation. It has always in fact admitted a much more definite obligation toward Indians whose right to land, assistance and protection, was specifically safeguarded by treaty, than to those unfortunate Indians, like those of California, who (besides being of a more primitive type and having a less evolved tribal organization than their fellows across the Sierras) have never been able to point to a definite promise on the part of the United States measuring the irreducible minimum of protection to which they were entitled. Indians not safeguarded by treaty made when they were strong, and when their amity was desired, when they are weak get land and water as a matter of grace rather than of right. This fact accounts for the actual status of the California Indian, as reflected in the actions of the Department of the Interior. The latter does

admit a certain responsibility for those Indians who live on the statutory or executive-order reservations. But the measure of that responsibility is largely the Department's own caprice. And the facts that the reservations are generally of such poor land, or so waterless, that most of the Indians have to earn their living in the white world outside, and so largely lose their character as reservation Indians, further relieves the Department of responsibility. Towards the scattered Indian, the Department admits no responsibility whatsoever, partly on the ground that the reservation Indian has a preferential claim to the insufficient funds provided by Congress, partly on the ground that such a scattered Indian, being a citizen of the State, is now a state responsibility.

To conclude: The California Indian is a citizen of California, and as such is entitled to the benefit of certain agencies which at the moment do not generally recognize his claim to the advantages of full citizenship; he is at the same time a ward of the nation, and as such is entitled to certain of the benefits of tutelage which, as a matter of fact, are wholly denied him if he is a scattered Indian and but meagrely and capriciously granted him if he lives on a reservation. The two theories, of the State and the Federal Courts, somewhat conflict; the interested executive branches of the State and the Federal governments, respectively, do not at the moment put those theories into practice. The legal status of the Indian is somewhere between the two doctrines, his actual status somewhere else!

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COMMONWEALTH CLUB OF CALIFORNIA.

REPORT OF SUB-COMMITTEE ON
CALIFORNIA INDIAN HEALTH CONDITIONS
May 28, 1925.

That much sickness exists among the Indians in California has been fully demonstrated by the various surveys incomplete though they may be, and by reports of health officers, public health nurses, various public agencies and private individuals qualified to observe and report.

That there should be much sickness follows upon the conditions under which the Indians in California are compelled to live. They lead a peculiarly hard to mouth existence, not properly housed and generally on poor land without sufficient water for either cultivation or for ordinary living purposes. They are generally inadequately fed, and being without cattle, their children lack the milk for their proper nourishment, which contributes to a high mortality rate.

Among the Indians in certain sections, tuberculosis is the leading disease. In all districts venereal diseases are highly prevalent, and trachoma is particularly evident. The communicable diseases find them easy prey, and there is universal among them, mal-nutrition and a high infant mortality.

The full time and contract doctors supplied by the Indian Bureau, lack often the ability to obtain the confidence of the Indians and there is general lack of medical contacts. The Indians often prefer to suffer than go to the Indian Bureau doctors.

Quoting from a report of the Director of the State Bureau of Tuberculosis which says; "The Indians are not as stupid as most people believe, for we observed two things,--whenever we conducted a clinic or offered medical service of any kind with a physician who was not on the staff on the Indian Bureau, the Indians came from all over the country for treatment and were willing to pay in moderation for almost anything that needed to be done, but the moment that we appeared in Shasta County with a dentist and a doctor from the Indian Department, it was almost impossible to get them to come in for treatment of any kind".--Also Dr. Gilliehan of the State Board of Health in his Report on the 'Indians of North Eastern California', discussing the smallpox epidemic of 1922 says,--"No difficulty at all was encountered in convincing the Indians at the latter place of the benefit of vaccination. Between 30 and 40 of them were vaccinated and altho the disease was introduced several times afterwards, no one in Montgomery Creek acquired it".

In the South there are two fairly equipped hospitals for Indians, one at Saboba and another at the school in Yuma. Each has one competent trained nurse in charge, but neither hospital appears to do any sort of field work that would encourage the Indians to make use of the hospitals. Neither hospital has sufficient nursing or medical staffs.

In the North there are no adequate special hospitals for the Indians, and no adequate care given to the sick Indian. True, the county hospitals are supposed to take in these citizens of California, but only a few of the hospitals find vacant beds for sick Indians, and the treatment that the Indians generally receive, is not such as would encourage them to make use of these hospitals.

It is obvious to any student that there exists in California numerous medical agencies, Federal, State, County and Municipal that could be utilized for the care of the sick Indians were there some connecting link that would inspire confidence and guide the sick Indian as well as command these various agencies.

Your committee thinks a good beginning could be made by putting into the field at least four public health nurses to work on the problem of the sick Indian and serve as these contacts. The public health nurses great value lies in the fact that she can go into the living quarters of the Indians, work with them, teach them, nurse them and bring the sick to the proper medical attention. She, more than a doctor could guide them and bring about the contacts that should be supplied them and that they would accept. She could advise them and give practical instruction in rudimentary home economics, cleanliness and personal hygiene. Under her supervision the sick Indian could be brought into the county hospitals and there receive good medical attention and care administered to him in the proper spirit.

These four public health nurses should be detailed under the California State Board of Health, thereby giving her the backing of a recognized State authority and the advantage of being able to use the machinery of the State Board of Health that permeates every part of the State. Back of her she would have as doctors, the State district health officers, the county and local health officers and many local physicians as well as those supplied by the Indian Bureau.

One of the Indian Bureau specialists trained in the diagnosis, treatment and prevention of trachoma should be detailed under the California State Board of Health, and with the aid of a nurse, and the proper equipment for an ambulatory clinic could do full time and produce results, which could be not only for the benefit of the Indians in allaying the long drawn out suffering and eventual blindness resulting from trachoma, but also as a preventive and protective measure for the white population of California.

The State Board of Health would give the public health nurse the advantage of being able to co-operate with the Bureau of Tuberculosis, the Bureau of Sanitary Engineering, the State Hygienic Laboratory and especially the Bureau of Child Hygiene. The Bureau of Child Hygiene through the Shepperd-Towner nurses has already in several localities made physical and medical examinations of Indian School Children--Indian babies and children's clinics are being planned for this summer to be held at the various rodeos and harvest celebrations, which the Indians hold.

The Bureau of Tuberculosis secured a Government signed contract with Humboldt county to secure beds for the Indians in the new tuberculosis hospital at Eureka. The Government to pay the County for the Indians at the rate of \$2.00 per day. The report of the last inspection showed 12 Indians there who made excellent patients and seemed to have responded not only to the treatment, but also to the environment.

After the care of the acutely ill, it is among the children that the best work can be stressed. Proper and adequate infant feeding and surveys of Indian school children with the remedying of the defects found, would produce a better race of Indians to replace the present half sick depressed adult Indian.

This scheme of four public health nurses utilizing, stimulating and making efficient the present existing health agencies, would bring to this problem a fair start which would not call for any large sum of money. It would serve as a foundation upon which to build up generally a better service to the California Indian.

KEEP

COMMONWEALTH CLUB OF CALIFORNIA

THE PROBLEM OF THE
INDIAN IN CALIFORNIA

An Outline of the
Indian Affairs Section Report
Made at the Luncheon
To Members of Congress
at the Club Rooms
June 1, 1925

- I. The condition of the Indians in California has been and is deplorable.
 - a. Kelcey report.
 - b. Report of the California Board of Health in 1921.
 - c. Supplementary report of the California State Board of Health 1925.
 - d. Report made under State Board of Education.
 - e. Other reports and miscellaneous data.
- II. The responsibility for the alleviation of this condition is primarily on the United States Government and secondarily upon the State.
 - a. The eighteen treaties.
 - b. Wardship and assumption of obligation by the United States.
 - c. Citizenship
 - d. The Indian population is a part of the social fabric of the State.
 - e. Legal status.
- III. Co-operation between the United States and the State of California to relieve the situation should be greatly increased.
 - a. Past experiences have been successful.
 - b. Large opportunities for the future.
- IV. Program suggested in furtherance of this co-operation and as working towards a more efficient expenditure of Federal money through the use and co-operation of State Agencies.
 - a. The necessity for improvement in the health conditions of the Indians is immediate and the following is suggested as a small step in that direction.
 1. The assignment of sufficient funds by the United States Government for expenditure through the Board of Health of California for the employment of four district health nurses to cover the Indian population of the State.

2. The assignment of an eye specialist by the United States to work in California for one year and such further time as conditions may justify and require to work under the direction of the State Board of Health for the relief of trachoma and other eye diseases prevalent among the Indians.

3. The co-operation by both the County and the State in the work to be done by these nurses and eye specialist.

B. The Indians by and large are without arable land. As to this the suggestions are as follows:

1. No further allotments without the approval of the State Board of Charities and Corrections or the agency succeeding it and the formulation of a policy by joint conference covering allotments is determined upon by conference between State and Federal authorities.

2. Future purchases of land to be made by the United States Government through the agencies of the State Board of Health and the State Board of Agriculture so that the land purchases may be used not only as a homesite but to help maintain the families living thereon.

3. The Government should supply a sufficient revolving fund to be used by way of long time loan to Indian agriculturists who may become possessed of agricultural land under conditions indicated on the usual basis that such agricultural loans are made.

4. The setting aside for expenditure in California of an amount equalling the difference between the average per capita expended in other states and that expended in California for the purchase of lands in California through the agencies of the State Board of Control and the State Board of Agriculture to be used in allotments and in substitution for allotments heretofore made of worthless land.

C. The educational need of the Indians has not been met and it is suggested that the following will help to work out a solution.

1. The Indian boarding schools should be raised to the standards required by the State Board of Charities and Corrections and which have to be met by private Indian Boarding Schools.

2. Federal aid should go to the counties rather than the districts so that it may be disbursed more definitely for the benefit of the Indian children so that the officials representing the educational department of the State and the State Board of Control will receive reports of expenditures.

3. The establishment of two experimental schools, one in the northern part, of the State and the other in the southern part to be used also as a center for one of the public health nurses and as an educational center in the larger sense.

4. This will permit the adjustment of method to need.

5. The government's part would be to furnish the existing grounds and buildings now unused and to maintain, and if necessary enlarge, the same and to furnish an amount equal to the salary of a field matron to be expended under the direction of the State. The State and County are to furnish a competent school teacher and also with the money furnished by the government, and obtaining or supply such additional funds as may be necessary, furnish a competent field worker so that there will be three exceptional people doing a constructive piece of work.

D. The Indians, not only individually but including the tribes, are without legal protection even as to the boundaries of their reservations and water rights which condition calls for remedy.

a. Funds should be supplied by the United States for the legal assistance required.

b. The State naturally divides itself into three districts and there should be three lawyers attached either to the United States District attorney's office or working under the attorney general of the State of California, whose duty it should be to supply such needed assistance for those financially incapable of obtaining it.

6. The Johnson Raker Bill which provides for the recovery from the United States of the land and other property which was to go to the Indians under the "lost treaties" affords no solution regardless of its legal or equitable merits as between the Government and the Indians.

* * * * *

COMMONWEALTH CLUB OF CALIFORNIA
345 Sutter Street, San Francisco
Telephone Douglas 4903

March 4, 1926.

INDIAN SECTION TO REPORT
TO CLUB DINNER MEETING ON MARCH 18th

A Special Section Meeting
to be Held in Preparation
This Tuesday Evening

There will be a very important meeting of the
Section on Indian Affairs held at

CAMILLE'S, 441 PINE STREET, THIS TUESDAY EVENING AT 6 P.M.

At this meeting we will make our final plans for
presenting to the Club dinner meeting of March 18th our
Section report on Indian Affairs in California.

Every member of the Section is especially urged to
make a point to attend this meeting. Please reply on
the enclosed card so that we may make our guarantee to
Camille's.

Very truly yours,

CHAS. De Y. ELKUS,

Chairman

COMMONWEALTH CLUB OF CALIFORNIA
345 Sutter Street, San Francisco
Telephone Douglas 4903

March 12, 1926.

TO COMPLETE PLANS FOR
BIG DINNER MEETING
ON CALIFORNIA INDIANS

Every member of the Section on Indian Affairs
should attend a vitally important meeting which will
be held

March 15th,
AT CAMILLE'S, 441 PINE STREET, MONDAY EVENING/AT 6 P. M.

Messrs. Barrett, Drew, Goodrich and Glaser have
been hard at work for the last few days in whipping
their material into final shape for our report to Club
this Thursday evening at the St. Francis Hotel. We
have arranged to secure native Indian speakers, lantern
slides, etc.

Your comments and criticisms of the enclosed reports
will be very much appreciated.

Be sure to send in the reply card at once!

Very truly yours,

CHAS. De Y. Elkus, Chairman

Section on Indian Affairs.

COMMONWEALTH CLUB OF CALIFORNIA

EDUCATION OF INDIANS IN CALIFORNIA

Tentative Final Report Made By
The Sub-Committee On Education

Indian Affairs Section of the Commonwealth Club
March 3rd, 1926

Education and Care of the Indians:

In the reports of the Bureau of Governmental
Research, Document #65 we read the following:

"The administration of the educational side of the problem requires that those charged officially with responsibility for his guardianship in some way come to understand Indian psychology. Before any plans can be made which look toward constructive educational results the officer must consider the Indian as an Indian, and not treat him and legislate for him as though he were a diluted specimen of the American pioneer white man. Educational and social progress must begin with a full recognition and appraisal of what is the Indian's mental and social equipment. Ways and means may be found for developing in him qualities which will make of him a citizen in whom the ownership and control of his own property may be safely vested. This is a man's work in itself. It requires high specialization; it involves scientific and professional considerations that in themselves make necessary the closest application."

Two investigations pertaining to this subject have been made by the State Supervisor of School Attendance in the last four years; the first during the year 1922 and the second in the months of February, March and April 1925. The first was concerned particularly with school attendance as distinguished from features of instruction, and was undertaken for the Superintendent of Public Instruction because the Bureau of Indian Affairs was quite frankly seeking to enrol Indian children in public schools as rapidly as possible and had placed a special school supervisor in the West for this purpose. School patrons in the districts affected protested against the action and school trustees and superintendents were asking for assistance in determining their legal responsibility, authority, and in securing financial aid.

The second has attempted in a brief survey to bring the findings of the first investigation up to date.

The material which follows is a brief summary of the report made to the Superintendent of Public Instruction in January, 1923, to which is added later findings together with recommendations for action.

The initial effort was directed toward finding the number of Indian children in California. This led immediately to the significant discovery that Indians are not known statistically. The latest report of the Indian Bureau gave various totals from page to page and differed widely from the Federal census of 1920. Taking the latter as the safer guide and checking the figures against the calculations of the Bureau of Vital Statistics, a safe estimate seemed to be that in 1922 there were about 17,000 Indians in California, of which about 8,000 were under 21 years of age. The Indian Bureau gave the number of Indians of school age as 4,654.

The survey went literally far afield. Visits were made to Indian and public schools receiving Indian children, and various Reservations and Rancherias. Conferences were held with Commissioner Burke and Mr. Peairs, Superintendent of Haskell Institute and head of the Department of Education of the Bureau, also with Mr. W. W. Coon, Special Educational Agent in the West, and with many members of the Indian Service, Agents, Superintendents, Teachers and Field Matrons.

It was learned that the Indian Bureau maintains three types of schools--the non-Reservation boarding school, the Reservation boarding school and the so-called day school, in all of which the same course of study is prescribed, the idea being apparently that quantity not quality should vary. All types are represented in California.

Sherman Institute near Riverside is a non-Reservation boarding school, taking its pupils from anywhere in the West and carrying them through ten grades. Its capacity is 750--its enrollment in 1922 was 775. Of this number 317 were from California--less than 7% of its school age population. (Other California Indian children were sent to boarding schools outside the State, the exact number not obtainable.)

The three Reservation boarding schools at Fort Bidwell, Hoopa Valley and Fort Yuma provided for 525 more, taking them through the sixth grade.

16 day schools providing the first five grades had an enrollment of 371.

Other Indian children were attending public schools; a few were in Mission schools. It was estimated that about 500 were at large.

The education of the Indians was one of the purposes for which the Indian Bureau was established and is continued. Congress annually appropriates funds for this service which are in turn apportioned to the States in accordance with their needs and demands. Administration of educational affairs is in the hands of a Chief Supervisor and seven assistants, California being in a district including, for supervision purposes, also Oregon and Washington. The boarding schools are managed by local Superintendents and the day schools by the Agency Superintendents.

Legal responsibility for the education of Indians was found to rest first with the federal government, but where no such school provision was available within a reasonable distance Indian children were eligible for admission to a public school. Furthermore, a district was empowered to enter into contract with the federal government to receive tuition for the education of Indian children and was specifically empowered to use such tuition money for the purchase of food or clothing for needy Indian children. The claim of the Indian Bureau that the Indians of California were citizens and as such could not be debarred from the public schools was not substantiated. The law also gave a District the right to set up a separate school for Indian children and to require their attendance thereat,

Of the Indian schools visited, Sherman Institute was by far the best in equipment and grade of teacher. It is a co-educational institution, military-vocational for the boys and domestic for the girls. It, like all the Indian schools, maintains a work and study program and proceeds consistently upon the conception of the Indian as an inferior white man. Every Indian girl is viewed as a potential house servant and every boy as a farm hand. The work of the Institution is done by the students.

The one Reservation boarding school visited at Fort Bidwell was a disgrace. Here too the work was largely vocational. Only two teachers of academic subjects being employed for 90 children, one of whom was a woman conceded to be somewhat "queer"; the other a boy just graduated from High School, without teacher's certificate, and a victim of epilepsy. This institution has been described in vivid detail by Dr. Gillihan of the State Board of Health. His statement was found to be not exaggerated.

The so-called day schools in plan are ideal; in actuality they were found to be pitiful excuses. It is true that only five were visited but they were found to be so exactly alike that one was led to believe them typical.

The following significant quotation, with certain emphasis introduced, is taken from the 1921 report of the Indian Commissioner:

"Another means of reducing expenditures for the maintenance of Indian schools will be the building of more Indian day schools, or enlarging day schools where the school population can be thus cared for. For instance, the Pueblos and the Hopis could all attend day schools, because they live in villages. Their day schools should be enlarged and their courses should be extended to include six grades, and all of the children of these tribes should be required to attend these schools until they complete the sixth grade. Thus capacity in the boarding schools now occupied by these children would become available for Navajos and others whose home life makes day schools impracticable for them. While attending day schools Indian children are largely supported by their parents."

"The day school is the means of gradually withdrawing gratuitous support from the Indians. It gives them little or no aid in clothing and subsistence, but it carries civilization to the great mass of Indian homes while other types of schools do not afford this opportunity so well. The influence of the day schools, planted almost at the door of the Indian homes, is not limited to the children alone, but reaches out to the parents and entire community, and every day leaves its permanent mark. It becomes when properly equipped, managed, and in the hands of competent teachers the center of community interests. All kinds of helpful activities in farming, dairying, gardening, stock raising, cooking, canning, sewing, nursing, household management, and sanitation may be and are being introduced into these communities, thus increasing the assets of the Nation by improving farming areas and the saving of many lives."

"The day school is a means of educating children in the subjects commonly given in the public schools without interfering with the natural and normal relation between children and parents, as the case must be when children are placed in schools where they cannot return home each night."

The foregoing carries a full description of what the day school could be and indicates clearly to what use it has been put, namely an expense-reducing expedient. It is also used as a waystation to enrolment in the public school.

It would be difficult to improve upon the plan worked out for the day schools: the school house and living quarters for the teacher and his wife usually under one roof; a course of study comprising academic work with practical agricultural and trade instruction for the boys and actual home making for the girls; the services of a Field Matron to work directly in the nearby homes of the Indians; doctors, nurses, and dentists when needed; the business affairs looked after by the Superintendent of the Agency; and its instructional features by a Supervisor of Education. The plan is one thing, but it is operated by teachers who are under federal civil service

regulations with entailed life tenure. The maximum combined salaries for a teacher and his wife (the latter being listed as Housekeeper) was found to be \$1000.00 per year with the addition of living quarters, light and fuel. Assistance to the teacher comes only from the Superintendent of the Agency, whose territory comprises many counties; the District Supervisor of Education, who has charge not only of California but also of Oregon and Washington; in matters of health, such help as may be given by the Bureau's staff, whose total personnel for the United States consists of one Chief Medical advisor, six special physicians (eye, ear, nose and throat) seven traveling field dentists, about 175 stationed physicians, including contractors; approximately 100 stationed nurses, 6 traveling nurses, and 87 field matrons. (One field matron was found in California. Her territory includes Inyo and Mono counties with their desert and mountain roads. Her means of transportation was a horse and buggy. She has had no training for nursing.)

Supplies to equip the schools is a subject soomingly fraught with hopelessness. Requisition for the schools' needs are made annually and filled from the Indian Warehouse in San Francisco. Many instances are cited of mistakes made by careless and indifferent clerks and of the red tape entanglements incident to attempts to rectify them.

The schools are not "in the hands of competent teachers". They are not to be had for the price paid, altho there may exist individual cases of self-sacrificing devotion to duty and ideals.

Under the conditions quoted the Indian day school is a makeshift. Invariably the children enrolled in public schools from Indian day schools have been found to be greatly retarded.

The position of the Indian child in a public school was found to range from that of a social outcast, tolerated only for his tuition, allowed to drop out at any time without protest, to that of an almost undifferentiated human being taking his place naturally with the other children, holding his own in class and on the playground, and continuing on through high school.

The attitude toward the Indian child in the public school is an exact reflection of the attitude of the community toward the Indian. There again the range is great going from a cruel exploitation to friendliness and honesty in business intercourse.

Where objection to the Indian children exists it is invariably laid to the claim that they are dirty, diseased and dull and that the Indian girls is a moral menace. The claim is usually well founded but it would seem to be a condition brought about in the local community by the white man's neglect, dishonestly and immorality, rather than by inherent and ineradicable traits peculiar to Indians. The half-breed child is not wanted in the school attended by his white half-brothers or sisters nor in the community where complications over inherited property rights might arise.

Little objection is voiced against the financial burden of educating the children of non-tax-paying parents although there is the occasional claim that wards of the government should be card for in every way through federal funds.

The attitude toward the Indian is strongly localized. The town of Greenville has fought bitterly against receiving the children from the recently discontinued Greenville Indian School, while Susanville, not a hundred miles away, welcomes Indian children in the schools.

When Indian children are forced to attend public schools where they are not wanted they fare little better than when in the Indian day school.

The Indian Bureau is now paying only \$15.00 per annum for the schooling of the Indians. In contrast the State of California expends for the schooling of all children \$65.00 each on the basis of enrolment, or \$80.00 each on the basis of average daily attendance. During the year 1925 the number of Government schools for the Indians has been reduced from sixteen to ten.

The decision of the California Supreme Court a year ago, to the effect that Indians have a compulsory right to State schooling (with the corollary that presumptively they have similar compulsory right to all other State advantages--at least, to relief and medical assistance--), makes it possible for the Indian Bureau to claim that a legal and compulsory obligation has already been shifted to the State of California. Such is not the case in the other States; the result is inevitable.

The paying of tuition for the Indian children and the permission to use such funds for their physical welfare is not sufficient to insure them proper education and care. The tuition is regarded merely as an inducement to the district to take the Indians. No report on its disposition is asked for by anyone nor are additional duties required of the teacher whose salary may be increased by such funds. One school in Plumas County did put in a vegetable garden and serve a noon meal but these efforts were discontinued the succeeding term when a new teacher, not so socially minded, was employed.

When the Indian child comes from a decent home, there is little or no objection to his attending the white child's school; racial hatred per se is not so strong a factor in the dislike of the Indian as in the aversion to the natural results of continued poverty and ill-treatment for which the white man is responsible.

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The later survey showed that the burden of responsibility for the education of the Indian has taken a strong list toward the State.

In the first place, the Indian has been declared a citizen by Congress and is now eligible for admission to the public schools, although the right to set up a separate school for him would seem to be unimpaired. Three such schools are now in operation.

A meeting called by the Superintendent of Public Instruction in January 1923, and attended by representatives of the Indian Bureau, by County Superintendents of Schools and by the executives of various State Welfare Agencies, resulted in an improved working

policy respecting school attendance and the payment of tuition. It was made clear at this meeting that the policy of the Bureau would be toward the enlargement of Sherman Institute, and possibly the school at Hoopa Valley Reservation, for such children as would profit by the advantages of Sherman or who need custodial care and toward the speedy enrolment of all other children in the public schools, with tuition continued for the present. Tuition, it was pointed out, was being paid from a gratuity fund which might at any time cease to exist.

This policy has been pursued. Sherman Institute has been enlarged to receive over 100 additional pupils. Four Agencies have been combined to form a new Agency with headquarters at Sacramento, and in this combined territory a number of day schools have been discontinued and a partially burned boarding school definitely abandoned. The children in each case have been enrolled in public schools, excepting such orphans as were transferred to other boarding or Mission schools. The only Reservation boarding school investigated (Fort Yuma) showed bad overcrowding, both in sleeping quarters and classrooms. There was no plan for enlarging this institution. Of all the Indian Schools today, Sherman alone shows signs of life and a prospect of development. Perhaps one exception should be made in the day school on the Tule River Reservation, where the Indians have land and stock and decent homes and the teacher is a young man with Normal School training, who seized upon the Indian service as a means of transportation to California. (This is a school happy and vigorous. The Indian pupils not only will answer questions but will ask them!) This particular school demonstrates that with an economic status that is above the poverty line, and with the services of a trained teacher, Indian Children are as capable of receiving education as are the children of other races.

on The work of enrolling Indian children in the public schools has gone ^{on} apace but enrollment and attendance are two different things. Conditions are exactly as before reported respecting Indian children in the public schools; when the children come from decent homes with the self respect that this engenders, they slip naturally into the white child's school. They may not receive there the education best adapted to their needs, but they keep up with their classmates and are "received" upon the playground. The Indian pauper child profits nothing by being forced into a school where he is regarded as an outcast. Two instances will illustrate: At Latonville, Mendocino County, six children, three boys and three girls from a barren reservation were forced into the District school late in the term--after hop picking. The Indian Bureau paid a local white man to transport them to school. Their ages were 7, 9, 9, 10, 12, 14 years respectively and all were in the first grade. Their presence was resented not only because they retarded the school work (which they undoubtedly did) but because they were sickly and dirty. One child showed a swelling of the neck. A suspicion of Mumps was seized upon as an excuse for excluding the children from school. This happened in November. On February 13/they were still out, although the Public Health Doctor said the diagnosis had been incorrect. The children had attended school 22, 20, 20, 18, 10 and 9 days respectively. The white man continued to ^{be} paid for transportation.

The Middle Creek District in Lake County was forced to take 14 children when a day school was shut down. The Trustees partitioned off a room, fenced off a playground and hired an additional teacher. The 14 soon dwindled to four--no one knows just where the missing 10 are.

In brief, the situation is (1) that the Indian Bureau is concentrating its efforts and funds upon the boarding schools, chiefly Sherman Institute, without providing the after-school follow-up work that would make that Institution truly effective; (2) that the day schools which could be made the most effective units in the System, are being discontinued as fast as the children can be enrolled in the public schools; (3) that enrolment in the public schools has been greatly accelerated by the granting of citizenship to the Indians and by the payment of liberal tuition to the school districts; (4) that as before the enrolment in a public school of a pauper Indian against the wishes of the community, does not insure his education; (5) that the tuition money is more likely to be spent on increasing a teacher's salary, in painting the school house and in improved school equipment than upon needy Indians, and (6) that the education of the Indian children of today involving as it does the complexities of his social adjustment cannot safely be left in the hands of the usual District School Teacher, who is either young and inexperienced, or old and incapable.

The recommendations which follow are substantially the same as those submitted two years ago. They are now emphasized:

1. The formulation of a State program of Indian welfare looking toward the betterment of the Indians' economic status, his health and his education.
2. That a conference of the State Administrators of Public Health, Public Relief and Public Education be held with the Commissioner of Indian Affairs for the specific purpose of defining the State's responsibility and authority towards its new citizens, and for an agreement respecting federal financial aid.
3. That in this program the schooling of the Indian be considered only as a phase of his general education and that emphasis and effort be placed upon de-pauperizing him and building up his self respect.
4. That, more specifically, Sherman Institute add to its staff, a field agent, who shall be adequately trained in social work, and who shall be sufficiently financed to continue adequate supervision, with both social and occupational guidance, of the Schools graduates.
5. That the boarding schools be brought up to the standards set by the California Board of Charities and Corrections for Institutions giving Custodial care to Juveniles.

6. That the Day Schools, either be brought up to the standard of California Public Schools, or discontinued, and their equipment turned over to the County School authorities to be used for the education of Indians, both minor and adult.
7. That tuition for Indian children be made a matter of contract between the County and Federal Government, instead of a School District and the Federal Government, as a present, and that this tuition be not less than the per capita cost of elementary education in California. (\$65.00 on the basis of enrolment; \$81.00 on the basis of attendance)
8. That two demonstration centers, patterned after the ideal Day School be set up; one in the northern part of California and one in the southern part of California. That these centers comprise, not only educational facilities adapted to Indians, both adult and minor in the school and in their homes, but also clinics and means for fostering the Indian Community Life, and that each shall serve as the base for a public health nurse, working in the immediate and surrounding territory.

COMMONWEALTH CLUB OF CALIFORNIA.

EDUCATION OF INDIANS IN CALIFORNIA

A Report Made By The Sub-Committee On
Education From The Indian Affairs
Section Of The Commonwealth Club

The Sub-Committee on the Education of Indians in California makes the following recommendations, based upon the study outlined in the following pages. The recommendations are substantially the same as those submitted two years ago. They are now emphasized:

1. The formulation of a State program of Indian welfare looking toward the betterment of the Indians' economic status, his health and his education.
2. That a conference of the State Administrators of Public Health, Public Relief and Public Education be held with the Commissioner of Indian Affairs for the specific purpose of defining the State's responsibility and authority towards its new citizens, and for an agreement respecting federal financial aid.
3. That in this program the schooling of the Indian be considered as a phase of his general education and that emphasis and effort be placed upon depauperizing him and building up his self respect.
4. That the tuition now paid to the districts, if other funds are not available, be concentrated in financing Indian community centers on the general plan of the theoretical day school.
5. That immediate effort be placed upon the establishment of one such center as a demonstration unit and the services of an expert teacher, a public health nurse and a social worker be secured to develop a curriculum based upon a knowledge not only of the Indians' needs but, if possible, of his psychology as urged in document #65 of the Bureau of Municipal Research as herewith quoted.

The Care and Education of the Indians:

"The administration of the educational side of the problem requires that those charged officially with responsibility for his guardianship in some way come to understand Indian psychology. Before any plans can be made which look toward constructive educational results the officer must consider the Indian as an Indian, and not treat him and legislate for him as though he were a diluted specimen of the American pioneer white man. Educational and social progress must begin with a full recognition and appraisal of what is the Indian's mental and social equipment. Ways and means may be found for developing in him qualities which will make of him a citizen in whom the ownership and control of his own property may be safely vested. This is a man's work in itself. It requires high specialization; it involves scientific and professional considerations that in themselves make necessary the closest application."

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"The day school is the means of gradually withdrawing gratuitous support from the Indians. It gives them little or no aid in clothing and subsistence, but it carries civilization to the great mass of Indian homes, while other types of schools do not afford this opportunity so well. The influence of the day schools, planted almost at the door of the Indian homes, is not limited to the children alone, but reaches out to the parents and entire community, and every day leaves its permanent mark. It becomes when properly equipped, managed, and in the hands of competent teachers the center of community interests. All kinds of helpful activities in farming, dairying, gardening, stock raising, cooking, canning, sewing, nursing, household management, and sanitation may be and are being introduced into these communities, thus increasing the assets of the Nation by improving farming areas and the saving of many lives.

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The foregoing carries a full description of what the day school could be and indicates clearly to what use it has been put, namely an expense-reducing expedient. It is also used as a waystation to enrollment in the public school.

It would be difficult to improve upon the plan worked out for the day schools: the school house and living quarters for the teacher and his wife usually under one roof; a course of study comprising academic work with practical agricultural and trade instruction for the boys and actual home making for the girls; the services of a Field Matron to work directly in the nearby homes of the Indians; doctors, nurses, and dentists when needed; the business affairs looked after by the Superintendent of the Agency; and its instructional features by a Supervisor of Education. The plan is one thing, but it is operated by teachers who are under federal civil service

regulations with entailed life tenure. The maximum combined salaries for a teacher and his wife (the latter being listed as Housekeeper) was found to be \$1,000 per year with the addition of living quarters, lights and fuel. Assistance to the teacher comes only from the Superintendent of the Agency, whose territory comprises many counties; the District Supervisor of Education, who has charge not only of California but also of Oregon and Washington; in matters of health, such help as may be given by the Bureau's staff, whose total personnel for the United States consists of one Chief Medical advisor, six special physicians (eye, ear, nose and throat) seven traveling field dentists, about 175 stationed physicians, including contractors; approximately 100 stationed nurses, 6 traveling nurses, and 87 field matrons. (One field matron was found in California. Her territory includes Inyo and Mono counties with their desert and mountain roads. Her means of transportation was a horse and buggy. She has had no training for nursing.)

Supplies to equip the schools is a subject seemingly fraught with hopelessness. Requisition for the schools' needs are made annually and filled from the Indian Warehouse in San Francisco. Many instances are cited of mistakes made by careless and indifferent clerks and of the red tape entanglements incident to attempts to rectify them.

The schools are not "in the hands of competent teachers". They are not to be had for the price paid.

Under such conditions the Indian day school is a makeshift. Invariably the children enrolled in public schools from Indian day schools have been found to be greatly retarded.

The position of the Indian child in a public school was found to range from that of a social outcast, tolerated only for his tuition, allowed to drop out at any time without protest, to that of an almost undifferentiated human being taking his place naturally with the other children, holding his own in class and on the playground, and continuing on through high school.

The attitude toward the Indian child in the public school is an exact reflection of the attitude of the community toward the Indian. There again the range is great going from a cruel exploitation to friendliness and honesty in business intercourse.

Where objection to the Indian children exists it is invariably laid to the claim that they are dirty, diseased and dull and that the Indian girl is a moral menace. The claim is usually well founded but it would seem to be a condition brought about in the local community by the white man's neglect, dishonesty and immorality, rather than by inherent and ineradicable traits peculiar to Indians. The half-breed child is not wanted in the school attended by his white half-brothers or sisters nor in the community where complications over inherited property rights might arise.

Little objection is voiced against the financial burden of educating the children of non-tax-paying parents although there is the occasional claim that wards of the government should be cared for in every way through federal funds.

The attitude toward the Indian is strongly localized. The town of Greenville has fought bitterly against receiving the children from the recently discontinued Greenville Indian School, while Susanville, not a hundred miles away, welcomes Indian children in the schools.

When Indian children are forced to attend public schools where they are not wanted they fare little better than when in the Indian day school.

The paying of tuition for the Indian children and the permission to use such funds for their physical welfare is not sufficient to insure them proper education and care. The tuition is regarded merely as an inducement to the district to take the Indians. No report on its disposition is asked for by anyone nor are additional duties required of the teacher whose salary may be increased by such funds. One school in Plumas County did put in a vegetable garden and serve a noon meal but these efforts were discontinued the succeeding term when a new teacher, not so socially minded, was employed.

When the Indian child comes from a decent home, there is little or no objection to his attending the white child's school; racial hatred per se is not so strong a factor in the dislike of the Indian as in the aversion to the natural results of continued poverty and ill-treatment for which the white man is responsible.

---oOo---

The later survey showed that the burden of responsibility for the education of the Indian has taken a strong list toward the State.

In the first place, the Indian has been declared a citizen by Congress and is now eligible for admission to the public schools, although the right to set up a separate school for him would seem to be unimpaired. Three such schools are now in operation.

A meeting called by the Superintendent of Public Instruction in January 1923, and attended by representatives of the Indian Bureau, by County Superintendents of Schools and by the executives of various State Welfare Agencies, resulted in an improved working policy respecting school attendance and the payment of tuition. It was made clear at this meeting that the policy of the Bureau would be toward the enlargement of Sherman Institute, and possibly Hoopa, for such children as would profit by the advantage of Sherman or who needed custodial care and toward the speedy enrollment of all other children in the public schools with tuition continued for the present. Tuition, it was pointed out, was being paid from a gratuity fund which might at any time cease to exist.

This policy has been pursued. Sherman Institute has been enlarged to receive over 100 additional pupils. Four Agencies have been combined to form a new Agency with headquarters at Sacramento, and in this combined territory a number of day schools have been discontinued and a partially burned boarding school definitely abandoned.

The children in each case have been enrolled in public schools, excepting such orphans as were transferred to other boarding or Mission schools. The only Reservation boarding school investigated (Fort Yuma) showed bad overcrowding, both in sleeping quarters and classrooms. There was no plan for enlarging this institution. Of all the Indian Schools today, Sherman alone shows signs of life and a prospect of development (perhaps one exception should be made in the day school on the Tule River Reservation, where the Indians have land and stock and decent homes and the teacher is a young man with Normal School training, who seized upon the Indian service as a means of transportation to California. This is a school happy and vigorous. The Indian pupils not only will answer questions but will ask them!)

The work of enrolling Indian children in the public schools has gone apace but enrollment and attendance are two different things. Conditions are exactly as before reported respecting Indian children in the public schools: when the children come from decent homes with the self respect that engenders, they slip naturally into the white child's school. They may not receive there the education best adapted to their needs, but they keep up with their classmates and are "received" upon the playground. The Indian pauper child profits nothing by being forced into a school where he is regarded as an outcast. Two instances will illustrate: At Latonville, Mendocino County, six children, three boys and three girls from a barren reservation were forced into the District school late in the term--after hop picking. The Indian Bureau paid a local white man to transport them to school. Their ages were 7, 9, 9, 10, 12, 14 years respectively and all were in the first grade. Their presence was resented not only because they retarded the school work (which they undoubtedly did) but because they were sickly and dirty. One child showed a swelling of the neck. A suspicion of Mumps was seized upon as an excuse for excluding the children from school. This happened in November. On February 13 they were still out, although the Public Health Doctor said the diagnosis had been incorrect. The children had attended school 22, 20, 20, 18, 10 and 9 days respectively. The white man continued to be paid for transportation.

The Middle Creek District in Lake County was forced to take 14 children when a day school was shut down. The Trustees partitioned off a room, fenced off a playground and hired an additional teacher. The 14 soon dwindled to four--no one knows just where the missing 10 are.

In brief the situation is that the Indian Bureau is concentrating its efforts and funds upon the boarding schools, chiefly Sherman Institute, without providing the after-school follow-up work that would make that Institution truly effective; that the day schools which could be made the most effective units in the system, are being discontinued as fast as the children can be enrolled in the public schools; that enrollment has been greatly accelerated by the granting of citizenship to the Indians and by the payment of liberal tuition to the school districts; that as before the enrollment in a public school of a pauper Indian against the wishes of the community, does not insure his education; that the tuition money is more likely to be spent on increasing a teacher's salary, in painting the school house and in improved school equipment than upon needy Indians, and a new difficulty has arisen in the greater difficulty experienced in safeguarding the Indian from whiskey. A drunken Indian is a savage Indian and the bootlegger has no mercy upon him.

* * * * *

COMMONWEALTH CLUB OF CALIFORNIA

THE CALIFORNIA INDIAN SITUATION

California has not been getting nearly her pro-rata for Indians. California Indians have had spent on them about \$29.00 per capita per year (17,000 Indians, approximately \$500,000 Federal expenditure.) The per capita of Federal money for all the Indians in the U.S.A. is about \$40.00 (350,000 Indians, approximately \$14,000,000 expenditure.)

But the facts are much stronger than stated above.

(1) Fee-simple allotment releases Indians from Federal guardianship. There are only 210,000 Indians in the class who have not received fee-simple allotment. The per capita Federal expenditure if estimated for this number is about \$66.00. The California Indians have not been fee-simple allotted.

(2) The above disparity, so adverse to California, is increased through the fact that California Indians have neither

(a) a legally enforceable claim against the U.S.A. through treaties nor

(b) reservations which can yield revenue. Thus, Indians outside California have, in addition to Federal expenditures, tribal and individual trust moneys totaling about \$65,000,000. The California Indians, outside a few in Northern California, have no such funds.

Thus it is an indisputable fact: That not merely have the California Indians suffered most at the hands of the Federal government historically; they are now being the most neglected; and the Federal Government is expecting the State of California to make up this deficit.

The Congressional grant for Indians is being rapidly reduced. It is not a probability but a certainty that this reduction will hit California hardest among the States, the reasons being:

(a) The Indian Bureau utilizes interest and principal of tribal funds to make up for the reduced Federal appropriation of tax-money. But these tribal funds must be applied among those tribes having funds; California Indians have no such funds.

(b) Indians in treaty relations with the Federal Government are in many cases entitled to minimums of expenditure legally fixed. California Indians have no treaty relations.

(c) The decision of the California Supreme Court a year ago, to the effect that Indians have a compulsory right to State schooling (with the corollary that presumptively they have a similar compulsory right to all other State advantages--at least, to relief and medical assistance--), makes it possible for the Indian Bureau to claim that a legal and compulsory obligation has already been shifted to the State of California. Such is not the case in the other States; the result is inevitable.

The above tendency will be checked if, and only if, California insists that whatever her responsibility as a State may have become, the Federal Government yet holds every bit of Indian property under its exclusive jurisdiction, and free from taxation, and further continues to assert its guardianship over the person of the Indians.

In other words, the Federal Government has not let go of a single bit of its authority, and Congress only last June explicitly asserted that the Federal trusteeship over all Indian property must continue unabated, and in addition the Indian Bureau continues to maintain a large overhead service alleged to exist for the personal as well as property management of Indians.

Legally there is no obligation enforceable on the Federal Government in the peculiar case of California Indians; but politically it is enforceable, and the State should take leadership in giving its citizens and its Congressional delegation the facts and a program.

3.If someone takes the existing reports, disregarding every statement of fact, and every generalization, where any dispute exists; and will collate these reports, he will reach at least this conclusion among others:

The Federal Government is spending heavily on overhead, and very meagerly on actual service--i.e., on either material service, or social adjustment, or legal aid, or education. The overhead absorbs most of the Federal money.

The Indians would get service if even one-half of the existing Federal expenditure were paid out to the State and County agencies, these agencies providing the overhead. In other words, through a co-operative arrangement the existing Federal appropriation could be multiplied in usefulness.

Another fact that would appear would be that land and water are fundamental needs of the California Indians, and that the continuing expenditure of the Federal Government is not providing it for them; the allotments from public domain, the reservations from public domain, and the actual land purchases, having been, and continuing to be, largely worthless except for scenery.

COMMONWEALTH CLUB OF CALIFORNIA
345 Sutter Street, San Francisco
Telephone Douglas 4903

*Recd. too late
to get done
done*

September 14, 1928.

SECTION ON INDIAN AFFAIRS

To the Section Members:

I have been asked by President Thurston to assume chairmanship of the Section on Indian Affairs, with a view to again taking up the work which was formerly conducted by this Section.

Under the direction of Mr. Elkus the Section, as you know, covered a great deal of ground relating to the health and economic conditions of the Indians of California. It is not my thought that we should in any way duplicate work that has already been done. However, there is at present a Congressional Committee in the field investigating the administration of Indian affairs by the Indian Bureau, and it is the thought of those who are most closely connected with this work that considerable valuable information could be gathered by this Section of the Commonwealth Club for submission to this Committee.

Those of you who attended previous meetings of the Section surely appreciate the necessity of informing the public fully on this branch of national administration. I believe that a great deal of valuable data can be compiled through the efforts of the Section which will be of a real service to those who are interested in the welfare of the Indians, particularly the Indians of California. Some of the data which has already been gathered needs to be compiled and printed and there is still other information which can be profitably gathered.

We do not need to become campaigners or muckrakers, but let us see if we can present to the Congressional Committee and to the public at large a true and accurate picture of conditions as they exist among the Indians of California.

The first reunion of the Section will be held at a luncheon meeting in the Commonwealth Club, 345 Sutter Street, on

WEDNESDAY, SEPTEMBER 19th, 1928, AT 12:15 P.M.

Please fill out the accompanying post card and say that you will come and again take up this interesting work.

Cordially yours,

ROBERT M. SEARLS, Chairman,

Section on Indian Affairs.

1904

GRANTING OF LANDS TO THE LANDLESS INDIANS OF
NORTHERN CALIFORNIA.

Mr. PLATT, of Connecticut, presented the following
**PETITION RELATING TO THE GRANTING OF LANDS TO THE
LANDLESS INDIANS OF NORTHERN CALIFORNIA.**

FEBRUARY 1, 1904.—Referred to the Committee on Indian Affairs and ordered to be
printed.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Carlisle, Pa., January 26, 1904.

To the honorable the Congress of the United States:

We, the undersigned, have been solicited to petition and request your honorable body "that lands in severalty be granted to the landless Indians of northern California substantially as suggested by the Northern California Indian Association, and that such further relief be given as may be appropriate," all urged because of the conditions alleged, and in accordance with the scheme inaugurated by the Northern California Indian Association, of which Mrs. T. C. Edwards is president, and C. E. Kelsey, of San Jose, secretary.

Instead of petitioning for the above, as requested, your petitioners would respectfully urge that no steps looking to such allotments of lands in severalty to these Indians and such gathering under special control of the Government be encouraged by Congress. The petition referred to alleges that there are 13,733 Indians under consideration. They are distributed through 48 of the 57 counties of the State of California. In the counties they are further divided into 418 separate bodies. This wide distribution in small communities in our experience and observation places the California Indians far in advance of any Indians we know of within the United States in point of advantages for self-support, civilization, and assimilation with our other peoples. To disturb that condition in the manner proposed by the California Indian Association and gather them under the pauperizing influences of bureau control would break down their manhood and lead them to quit relying upon themselves and to become dependent upon the Government for support.

Your petitioners would respectfully invite attention to the fact that the act of July 4, 1884 (23 Stat. L., chap. 180, p. 196), provides amply for Indians entering homesteads, and they are to be free from charge of fees or commissions on account of such entries. It would seem as though all California Indians who desire to make a living by agriculture could, through this provision, accomplish their purpose; but your petitioners are convinced that it is a mistake for the Government to insist that all Indians shall be farmers.

While it may be true that the California Indians in many instances are exceedingly poor, your petitioners would invite your attention to the fact that poverty stimulates healthy effort, and is not incident to the Indians alone; that, in fact, a very much greater number of the white inhabitants of California are deplorably and equally poor, and your petitioners insist that it would be quite as just and proper for the General Government to do for them what the California Society asks to be done for the Indians, and that the pauperizing results would be the same.

If the California Indians, free from Bureau control, have been denied vast reservations and consequent annuities, large purchase money, etc., they are more than recompensed by their present advantageously scattered and self-supporting condition, which, though meager, is a far greater blessing; and the Government has been saved in their case the inevitable scramble of wrong and crime that follows every such reservation condition or management. Whatever the condition of the California Indians without land may be, they are infinitely more fortunate than those in Oklahoma and elsewhere who are heavily landed and therefore through their unearned resources borne down by idleness and its destroying influences, exaggerated through the usual demoralizing frontier conditions.

The people of California have been the pecuniary gainers because of the conditions alleged. Your petitioners therefore urge that it rests upon them through their several communities to help their Indians into employments and their children into the public schools, and to see that the individualizing processes already so well advanced among them are extended until each Indian becomes a satisfactory citizen; and we believe that the ordinary local schools and the industrial resources about them are the best means to this end.

Your petitioners would further greatly deplore any action whatever such as the Northern California Indian Association urges, even by the State of California or by any other able friend.

We therefore earnestly repeat and pray that no such action as requested be undertaken.

Signature.	Time in the Indian service.	Signature.	Time in the Indian service.
	<i>Years.</i>		<i>Years.</i>
R. H. Pratt, colonel, U. S. Army.....	36	Margaret Roberts.....	5
Edgar A. Allen.....	11	James Riley Wheelock (Indian).....	1
M. Burgess.....	30	Fannie W. Noble.....	21
A. S. Ely.....	26	Ida Swallow (Indian).....	15
Frances R. Scales.....	9	Nellie V. Robertson (Indian).....	23
Florence M. Carter.....	18	William Davies.....	2
Jeannette L. Senseney.....	7	Ida J. Allen.....	15
Minnie L. Ferree.....	3	Harry F. Weber.....	11
Anne H. Stewart.....	4	Mabel B. Sherry.....	1
K. S. Bowersox.....	11	Enoch M. Sherry.....	2
Emma H. Foster.....	12	Johnson Bradley.....	1
Fred W. Canfield.....	$\frac{1}{2}$	Frances A. Veitch.....	4
Mariette Wood.....	22 $\frac{1}{2}$	Agnes May Robbins.....	4
Emma A. Cutter.....	24 $\frac{1}{2}$	Cora B. Hawk.....	$\frac{1}{2}$
Jas. C. Scott.....	$\frac{1}{2}$	Bertha Canfield.....	12
Cora B. Bryant.....	8	Oella C. Munch.....	14 $\frac{1}{2}$
Fanny G. Paull.....	15	Sadie F. Robertson.....	14 $\frac{1}{2}$
August Kensler.....	39	Clara L. Smith.....	6
W. H. Miller.....	4	Ella G. Hill.....	9 $\frac{1}{2}$
Fannie I. Peter.....	10 $\frac{1}{2}$	E. H. Colegrove.....	2
W. Grant Thompson.....	11 $\frac{1}{2}$	Etta White.....	2 $\frac{1}{2}$
W. B. Beitzel.....	11	Edith McHarg Steele.....	3
S. J. Nori (Indian).....	20	Effie Moul.....	3
Carrie E. Weekley.....	9 $\frac{1}{2}$	Howard E. Gunsmith.....	12 $\frac{1}{2}$

Calendar No. 104.

60TH CONGRESS, {
1st Session. }

SENATE.

} REPORT
No. 95.

PURCHASE OF LANDS FOR CALIFORNIA INDIANS.

JANUARY 23, 1908.—Ordered to be printed.

Mr. SUTHERLAND, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 517.]

The subcommittee of the Committee on Indian Affairs, to whom was referred the bill (S. 517) authorizing the purchase of lands for California Indians, report the said bill favorably and submit the following copy of a letter from the Commissioner of Indian Affairs showing the necessity for the legislation recommended:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 16, 1907.

MY DEAR SENATOR: The act of June 21, 1906 (34 Stat. L., 325, 333), appropriated the sum of \$100,000 for the purchase of lands and water rights for the Indians in the State of California. This appropriation is now nearly exhausted, and while a great deal has been done for the betterment of the condition of these Indians, it is apparent that the amount will be wholly inadequate to carry out the purposes for which the appropriation is made.

The following bands of Indians are reported by Special Agent C. E. Kelsey as being greatly in need of lands:

Crescent City, in Del Norte County; Loleta, Bucksport, and Mad River, in Humboldt County; Sherwood, De Haven, Westport, Fort Bragg, Noyo, and Potter Valley, in Mendocino County; Stewarts Point, Dry Creek, Cloverdale, Sebastopol, and Bolinas, in Sonoma County; Lake Port and Sulphur Bank, in Lake County; Pas-kenta, in Tehama County; Elk Creek and Grindstone Creek, in Glenn County; Stony Ford, in Colusa County; Ione, Richey, and Jackson Valley, in Amador County; Lemoore, in Kings County; Laton and Sanger, in Fresno County; Mariposa, in Mariposa County; Groveland, Cherokee, and Tuolumne, in Tuolumne County; Murphys and Sheep Ranch, in Calaveras County; Nashville, in Eldorado County; and possibly some others.

It is but justice, both to the Indians and to the citizens of the State of California, that the Congress make suitable provision to place the Indians of the State of California in a position to gain their own livelihood. It is not intended to give these Indians farms, but merely to purchase for each Indian, or family of Indians, a small tract not exceeding 5 or 10 acres, on which it will be possible to erect homes and cultivate small gardens or orchards.

When California was ceded to the United States by the treaty of Guadalupe Hidalgo, the Indian occupants of that State had certain rights to the lands which they occupied, and, under the law then existing, they could not be legally evicted therefrom. With the advent of the white settlers who poured into the State

attracted by the discovery of its wonderful mineral resources, the usual event happened, and the weaker native population were in a multitude of cases crowded out of their homes. In the confusion and excitement attendant on the mining enterprises, also, treaties which had been concluded with various tribes or bands were ignored and failed of ratification, the Indians, of course, never being paid for their lands.

To remedy, at least in part, the wrong which has been done these Indians, I have caused to be prepared a draft of a bill carrying an appropriation of \$50,000 to complete the admirable work which has been going on during the last year for the betterment of the condition of the California Indians.

As it is impossible now to undo all that is past and restore the original owners of the soil to the possession of it, the Congress is asked simply to do what seems to be reasonable, namely, to give homes to the homeless Indians and let them have a fair start in life even at this late day. If the appropriation asked for were many times as large, it would not compensate the Indians for all they have lost, measured by a mere pecuniary standard; and all that is asked is a provision whereby the Department can place these poor people on small tracts of land sufficient in size to provide the necessities of life, leaving them to work out their own salvation thereafter.

Agreeably to your oral request, the draft is inclosed herewith, and I respectfully request that you introduce it in the next Congress and cooperate with the Office in securing its enactment into law.

Very respectfully,

F. E. LEUPP, *Commissioner*

Hon. FRANK P. FLINT,
United States Senate.

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The Commonwealth

Official Journal of the Commonwealth Club of California

VOL. II

SAN FRANCISCO, MARCH 16, 1926

No. 11

.. MONTHLY DINNER MEETING ..

Hotel St. Francis - March 18, 1926 - 5:30 p.m.

Our Indians—Whither?

A LADIES' NIGHT PROGRAM

Introduction: "The Story of the 18 'Lost' Treaties", by Chairman Charles deY. Elkus.

"The Indian in the Court Room", by Chauncey Goodrich, Attorney.

"The Indian in the School Room", by William J. Drew, Principal Mission High School.

"Deer, Fish and Acorns vs. Barren Lands and Starvation", by L. A. Barrett, U. S. Forestry Service.
(Illustrated by lantern slides by the speaker)

"The Indian Under Our Modern Medicine Men", by Dr. Edward F. Glaser of State Health Department.

"Uncle Sam and the Indians", by Col. Dorrington, U. S. Government Indian Agent at Sacramento.

"An Indian Speaks", by Robert Scott, full-blooded Indian, veteran of overseas service in the World War (with Indian songs and dances).

Tickets \$1.50 if secured at Clubrooms before 3 P. M. of day of meeting—at the door \$1.75. Bring your wife—this is LADIES' NIGHT!

.. FRIDAY LUNCHEON MEETING ..

Palace Hotel - March 19, 1926 - 12:15 p. m.

"Our American Shipping Policy and Where It Is Leading Us"

By R. G. LAPHAM, President of the American-Hawaiian Steamship Company

¶ President Lapham is one of the most outstanding shipping men of the Pacific Coast. ¶ His ancestors founded the line of which he is now president and for generations have been widely known in American Shipping Circles. ¶ Today, when Congress is absorbed in considering the diverse proposals looking to the solution of our vast shipping problems, we are fortunate to be able to present a speaker who has entree in the highest shipping circles of the American seaboard.

\$1.00 a Plate.

PAUL SCHARRENBURG, Chairman.

The Commonwealth

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*"Travel and study * * * yield me
 ever-deepening satisfaction, and I will
 remain true to them though all the rest
 of the world goes back to star-smoke in
 its chase after the dollar."*—John Muir.

Do You Want Friday Luncheon Talks Printed?

DEVOTED members from time to
 time ask with enthusiasm that the
 Luncheon addresses be printed for the
 information and pleasure of the Club
 and the public generally. The obstacle
 that has always stood in the way of
 such publication has been the sordid
 demand of the printer to be paid for
 his work. The Club treasury could
 not take on this burden because the
 present activities of the organization
 call for the income from the very mod-
 erate dues.

However, it is suggested by Mr. O.
 J. Beyfuss that the majority of the
 members would be glad to contribute
 the ten cents a week or five dollars a
 year that would be needed to meet the
 expense.

That sounds like business. How
 many will back the idea? If enough
 respond it will be done.

Send in your name and pledge your
 money to get the addresses printed.

FACTS ON SMALLPOX SCARE

Secretary of the State Board of Health
 Presents Facts to the Public
 Health Section

SMALLPOX is a dread name and any
 attack of the disease causes rumors
 to fly. Despite the silence of the press
 and the public authorities, the talk of
 a serious epidemic is almost universal.
 Therefore the Club's Section on Public
 Health invited Dr. Walter M. Dickie,
 Secretary of the State Board of
 Health, to come before it and state the
 situation.

Dr. Dickie attended the meeting of
 March 11th, and cleared up some of
 the misunderstanding regarding the
 present situation. So far from suf-
 fering from a serious epidemic, Cali-
 fornia has had merely an unusual
 number of cases, since January 1st.
 San Francisco has had 40 cases, of
 which 19 were traced directly from one
 case received from the Orient. This
 was an unusually virulent form, re-
 sulting in 6 deaths, but all contacts
 have been followed up and the partic-
 ular type stamped out.

The East Bay region has had 160
 cases. Most of the interior counties
 have had from one to a dozen cases.
 Southern California has borne the
 heaviest attack, but so far from hav-
 ing the "many thousands of cases" of
 common rumor, has had less than 1200.
 These are not chiefly among the Mex-
 ican immigrants, but cover the higher
 class districts. The serious part of
 the situation is not found in the num-
 ber of cases but in the more virulent
 type that the disease has assumed this
 year.

Dr. Dickie expressed confidence that
 measures being taken by the boards of
 health would readily control the at-
 tack if there was general popular sup-
 port through vaccination. He present-
 ed charts of 4000 smallpox cases re-
 corded in California since 1920, show-
 ing that 94 per cent were of those who
 had never been vaccinated, while near-
 ly all the remaining 6 per cent were
 of those who had been vaccinated more
 than seven years before the attack.

*"We need an international Sherman
 Act—at this time, when the need is all for
 increasing production, some nations are
 trying to restrict production in order to
 raise prices."*—Paul Harvey.

COMMONWEALTH CLUB OF CALIFORNIA
345 Sutter Street, San Francisco
Telephone Douglas 4903

SECTION ON INDIAN AFFAIRS

September 16, 1926.

DR. C. HART MERRIAM

AND MISS ALIDA C. BOWLER

TO REPORT ON INDIANS IN FIELD

The Section on Indian Affairs will meet at lunch at the Commonwealth Club Rooms, 345 Sutter Street, on

THURSDAY, SEPTEMBER 23rd, 1926, AT 12:15 P.M.

Dr. C. Hart Merriam, Research Associate, Smithsonian Institution, authority on the Indians of California, will give an informal talk. Dr. Merriam is now in California for his usual summer field work. He is at the present time working among the Indians in Northern California and will be able to bring much valuable information before the Section.

Dr. Merriam is deeply interested in the bills on behalf of California Indians presented in Congress this past year. He made a splendid committee appearance at the hearings on H.R. 9497. He will give an account of the hearings and of the prospects for the passage of the California bills.

Miss Alida C. Bowler, Executive Secretary of the Indian Defense Association of Central and Northern California, has been invited to be present at the meeting, and will be asked to tell of her findings on a recent field trip when she visited the Indians along the Klamath River, including Robert Spott's people.

Very truly yours,

CHAUNCEY S. GOODRICH,

Acting Chairman.

TELL OF STATE'S INDIANS

Dr. C. Hart Merriam and Miss Alida C. Bowler Speak at Section Meeting

DR. C. HART MERRIAM, Research Associate of the Smithsonian Institution, talked to a luncheon of the Indian Affairs Section last Thursday. In the absence of Chairman Charles de Y. Elkus, who is still in Europe, Mr. Chauncey S. Goodrich, Acting Chairman, presided.

Dr. Merriam has worked among the California Indians for 38 years, and visits them every year as a trusted friend. Dr. Merriam told of drab, colorless, and often wretched Indian homes, into which he said no sympathetic teaching forces have brought instruction in home-making and home-hygiene.

Many of the farms of those who may be fortunate enough to have a few tillable acres are in a run-down condition. The Indians said they used to ask for visits, by the government employed Indian Bureau farmer, but that none were made.

Dr. Merriam found the dread eye disease, trachoma, preying upon 50% of the Indian population in whole sections of California with no measures being taken to combat it.

Starvation, the slow and tragic kind that comes of too little and too poor food, is common.

The speaker made a strong plea for the passage of two Congressional measures, aimed to help the Indians, which will be live issues in the short session next December.

Following Dr. Merriam, Miss Alida C. Bowler, Executive Secretary of the Indian Defense Association of Central and Northern California, spoke very briefly. She announced the very successful organization of the California Committee on Indian Relief which will function this winter.

This Committee proposes to investigate every case of Indian need reported to it. It is composed of representatives from state-wide agencies, both public and private, that have an interest in Indian welfare.

Miss Bowler said that this Committee will not duplicate the work of any existing agency but will work toward a better co-ordination of the agencies now in the field.

CLUB POLICY WAITS YOUR VOTE

Should State Make All Drivers Show Financial Responsibility Before Issuing License?

WITH your quarterly bill next week there will be enclosed a return postal card asking you to vote on an important matter of Club policy—important because upon the result of this ballot will depend what, if any, position the Club will take at the next Legislature.

The postal card will read as follows:

"Register Your Vote on a Most Important Question"

1. Do you favor the introduction at the next legislature of a bill requiring that every motor vehicle driver, in order to get a license, must either deposit security or obtain an insurance policy or bond assuring he can pay damages for death or personal injuries for which he may be proved responsible?

YES _____ NO _____

2. Do you favor instead of immediate action appointment of a Legislative Commission to study experience in other states?

YES _____ NO _____

3. Are you opposed to any action?

YES _____ NO _____

See Report of Club's Insurance Section Part II of "The Commonwealth" for July 6, 1926, and Supplement of July 13, 1926."

It is very desirable that every member of the Club express his opinion on this subject. Drop your ballot in the mail as soon as it arrives!

Alex S. Gardiner

AT the meeting of the Indian Affairs Section last week, resolutions were adopted extending the sympathies of the Section to the family of Alex S. Gardiner, who died while on a business trip to South America.

Mr. Gardiner was, from its first meeting, an active and earnest member of the Indian Affairs Section and also served as Secretary. The Club's recent report "California Indians" was in part a result of his efforts.

"There are no water-tight economic problems in the world of today."—
Prof. M. J. Bonn.

CONSIDER CASTILE—"THE LAND OF SOAP"!

Further Excerpts from the Study of Spain and Population Problems by Dr. T. B. Rice

"It is said that on one occasion a proud and arrogant knight when asked his origin threw out his chest and haughtily informed all concerned 'I come from Castile where they make men and WASTE them,' the implication being that they made so many men that they could afford to waste them.

But can any nation afford to waste its men—its real he-men, its best seed? Today, as a result of the wastefulness of the golden age, Castile is noted not for MEN but for SOAP. Soap so mild that the doctors advise it for babies' baths because it has no bite.

But what could she expect? She wasted her best blood in countless wars. She left the runts and renegades at home to breed the race. She thought the immediate present so important that no attention was paid to the future.

In the making of soldiers she lost the art of making men, and so now she makes soap—soap with which to bathe the babies of sturdier men.

A nation or a family or a race need not expect to remain great if she kills off her best stock and turns the breeding of the race over to the nit-wits and ne'er-do-wells. Castile forgot and our own proud land is forgetting that there is room in oblivion for every one, and even for the proudest nation.

We do not often engage in disastrous and bloody wars but we are allowing the poorest stock to reproduce itself without let or hindrance while our families of good stock rarely have the four children which are necessary if such families as a group are to increase in numbers.

The average number of children when both parents are feeble-minded is 7.5, whereas in the thrifty, independent and valuable families the number is scarcely if at all more than two.

Perhaps it doesn't matter what manner of parents or what manner of home a boy or girl has; perhaps an oak can grow from a squash seed, though personally I still believe that oaks produce acorns and acorns grow

Section Luncheons at the Club Rooms

Any Club member will be welcomed at any of the following Section meetings—providing he phones the Club office for a reservation at least an hour beforehand.

Members are always privileged to bring guests to any Club luncheon or dinner.

DELINQUENCY—Tuesday, September 28. Speaker, Lynn T. White, Chairman. Subject: "First Draft of Report for Dinner Meeting."

MINERAL RESOURCES—Tuesday, September 28. Subject: "Report of Sub-Committee on Mine Taxation."

ART, LETTERS AND MUSIC—Wednesday, September 29.

CITY PLANNING—Tuesday, October 5.

IMMIGRATION—Thursday, October 7.

(Continuation of Column I)

into trees. When I begin seeing figs on thistles I am going to get my glasses changed, or change bootleggers, or do something about it."—Dr. Thurman B. Rice, Director of the Bacteriological Laboratory of the Indiana State Board of Health.

APPLICATIONS FOR MEMBERSHIP

The following applications for membership having been approved by the Board of Governors, are hereby recommended to the Club. If no objections are filed with the Secretary prior to October 5th, they will, under the Constitution, stand elected:

APPLICATION FOR MEMBERSHIP

The following applications for membership, having been approved by the Board of Governors, are hereby recommended to the Club. If no objections are filed with the Secretary prior to October 12th, they will, under the Constitution, stand elected:

HERON, ALEXANDER R., realty investments, 2045 Shattuck Ave., Berkeley. By Archibald B. Anderson.

KNOTT, FRED, quantity surveyor, 841 Capp Street, San Francisco. By H. K. Pitman.

LYON, GEORGE F., president, Lyon and Hoag, 564 Market Street, San Francisco. By Membership Committee.

MAEDER, W. T. P., consulting engineer, 679 Mills Bldg., San Francisco. By Membership Committee.

MENZIES, ROBT. H., president, Parrott and Co., 320 California Street, San Francisco. By Membership Committee.

RHINE, ELIAS, real estate, 605 Alexander Bldg., San Francisco. By Membership Committee.

WURTSBAUGH, D. W., U. S. Navy, Retired, 693 Sutter Street, San Francisco. By Walter E. Hettman.

Those desiring to propose a friend should write or phone the Club office for an application card. (Phone Douglas 4903)

Persons wishing to be considered for Club membership may consult the membership list at the Club office, 345 Sutter Street, San Francisco.

PERRY EVANS, Secretary.
San Francisco, September 28, 1926.

Part II

The Commonwealth

Official Journal of the Commonwealth Club of California

VOL. III

SAN FRANCISCO, JANUARY 25, 1927

No. 4

Recd. Office, Com. Chm. Jan 27

Progress Report for 1926

Transactions of the Commonwealth Club of California

Vol. XXI

No. 12

The Object of the Commonwealth Club

*“shall be to investigate and discuss problems affecting the welfare of the Commonwealth and to aid in their solution.”
Constitution, Article II.*

“The Commonwealth Club shall maintain itself in an impartial position as an open forum for the discussion of disputed questions.”—By-Laws, Section 10.

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OFFICERS OF THE CLUB FOR 1926

President.....	MAX THELEN
Vice-President.....	EUGENE T. THURSTON
Secretary.....	PERRY EVANS
Treasurer.....	PRENTIS C. HALE
Chairman Executive Committee.....	WILLIAM FITCH CHENEY
Executive Secretary.....	EARLE A. WALCOTT
Assistant Executive Secretary.....	STUART R. WARD

GOVERNORS

EDWARD F. ADAMS	T. D. BOARDMAN	ALBERT E. BOYNTON
WILLIAM FITCH CHENEY	C. E. GRUNSKY	BEVERLY L. HODGHEAD
F. J. KOSTER	JAMES A. JOHNSTON	JOHN H. MCCALLUM
JAMES W. MULLEN	CHARLES RAAS	MAX THELEN
WILLIAM H. WASTE	CHARLES M. WOLLENBERG	E. T. THURSTON

EXECUTIVE COMMITTEE

FREDERICK J. KOSTER	WILLIAM FITCH CHENEY, Chairman	C. M. WOLLENBERG	MAX THELEN	E. T. THURSTON
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The Commonwealth Club is an impartial forum for the discussion of disputed questions; statements or conclusions published in its Transactions are not to be considered as those of the Club unless approved by the Club.

PROGRESS REPORT FOR 1926

565

Harry S. Scott of prominent shipping interests, and President of Mission Rock Company, told us of the proposed development of the new terminal or pier on Mission Rock.

Now the Section is embarked upon a study, or survey of our bay and harbor, sponsored by George L. Sessions. Subcommittees are drafting plans for this study and for the gathering and compiling of data under a specially employed secretary, to be selected with the approval of the Board of Governors.

In line with this survey, H. A. Mason, and C. A. Pistolesi, each addressed us on the proposed filling in, and industrial development of, the shallow tide lands south of Hunter's Point and in San Mateo county.

The section hopes to do some constructive lasting work in its survey of our port.

Respectfully submitted,

WALTER E. HETTMAN, Chairman.

Section on Indian Affairs

CHARLES deY. ELKUS, Chairman

To the President of the Commonwealth Club:

DURING the past year the Section on Indian Affairs submitted its report to the Club at an evening meeting held on the 18th day of March, 1926. The report of the Section has now been printed and appears in the Transactions. During the year the Section has met with other organizations and individuals interested in the Indian problems of the State, in particular Dr. C. Hart Merriam met with the committee on the 23rd day of September, 1926, at a noon meeting.

The Section has been engaged in the consideration of legislation both State and National with respect to the Indians of California. It has participated in the framing of bills for presentation both to the State Legislature and to Congress. Of these bills two are now before Congress and two others will be presented to the State Legislature.

Recently on the evening of the 1st day of December, 1926, the Section participated with the Indian Defense Association in having an informal meeting with Edgar B. Merritt of the Bureau of Indian Affairs. Mr. Merritt talked at some length giving the Indian Bureau's reply to the criticisms made by Senator James A. Frear. He then discussed through the method of question and answer the problem of

the California Indian as well as pending legislation concerning the Indian problem.

The Section is hopeful that its studies may be of some little value in assisting the Indians of this State to a better opportunity than has been theirs in the past.

Respectfully submitted,

CHARLES DEY. ELKUS, Chairman.

Section on Industrial Relations

J. P. RETTENMAYER, Chairman

To the President of the Commonwealth Club:

THE Section on Industrial Relations is just completing a study of Credit Unions and a report is in preparation on a bill to be introduced at the next session of the Legislature.

The Section has endorsed the objects and purposes of the bill which is designed to authorize the establishment of Credit Unions within this state, define their powers and provide for their supervision.

The report of the Section recommends to the Board of Governors an endorsement by the Club.

During the summer of last year employment problems engaged the attention of the Section, and in August, 1925, a Club meeting was devoted to that subject. (See Transactions, Vol. 20, No. 5, "Employment Problems," August, 1925.) At that meeting a plan for an extensive study of that question was outlined. The importance of such an investigation has been stressed by Dr. Don D. Lescohier, Dr. Roy W. Kelly, Dr. Alexander Fleisher, N. J. Rich and other students of and authorities on employment problems.

The belief that considerable information is available from the files of various community and governmental agencies and trades associations, and the opinion that the funds necessary were not obtainable, deferred the survey.

It is the intention of the Section to undertake the work preliminary to the main investigation in the early part of the new year. The Members of the Section who have given this question consideration regard it as extremely important from a community, business and humanitarian standpoint.

It is our hope that when the Section's plan is sufficiently matured the Commonwealth Club will invite other civic, commercial,

MARCH 19, 1926

Vanishing Indians Is Topic Of S.F. Commonwealth Club

Sympathy for the vanishing Indian was reflected by the Commonwealth club at its meeting last night in its after-dinner speeches at the St. Francis hotel, and it was the unanimous sentiment of everybody present that they hoped for the favorable passage of both the Johnson and the Kahn bills now pending before congress for the amelioration of the economic condition of the Indian.

Among those speaking was Dr. Edward F. Glaser of the state health department, who said that the Indian

does not understand child hygiene and that infant mortality is abnormally high compared with that of the whites. That he is fast disappearing, he said, is due to the white man's bad whisky, disease and the relentless invasion of the Indian home life.

Col. Dorrington, U. S. government Indian agent at Sacramento, gave a brief outline on facts and figures concerning the schools reservations and the Indian population of California.

Speaking for the Indians themselves, Robert Scott, full-blooded Indian, veteran of overseas service in the world war, expressed the views of his own people when he said that for generation after generation they had obtained their livelihood they now find signs, "No trespassing." The reservations on which they live are not sufficiently productive to maintain them, he added, and they are now without land and without means. The government should compensate them with productive land, schools and hospitals, he believed.

MARCH 11, 1926

CALIFORNIA INDIANS AND THEIR RIGHTS, CLUB TOPIC

The case for the California Indian—his lands, his schools, his legal rights, his customs, his enemies and his present condition—these are but a few of the many topics to be authoritatively presented at the Commonwealth Club of California's monthly dinner meeting to be held at the St. Francis Hotel Thursday evening, March 18th.

There are those that believe that the National Government or the State Government or both have not dealt fairly with the "Noble Red Man"—and that they are not doing so today. It is an open secret that these citizens will be well and ably represented by one or two good speakers.

The United States Indian Department and the State feel that they have their own side to put before the Club and it is planned to have this done by the ablest speakers Uncle Sam and Sacramento can muster for the occasion.

MARCH 11, 1926

CIVIC LEAGUE ENJOYS TALK

Miss Alida Bowler of Indian
Defence Association Gives
Interesting Talk Tuesday

The talk on the California Indian by Miss Alida Bowler of the Indian Defense Association was given to a large and interested audience at the meeting of the Civic League last Tuesday. The High School Camp Fire Girls were the guests of the League and sang a few songs following Miss Bowler's talk.

Miss Bowler reviewed the governmental treatment of the Indians from the first coming of the white man. She also spoke of the "Last Treaties" which United States representatives made with the Indians and which the senate "Great White Father" at Washington promised to take care of them as their lands were taken away from them, pushing them off on to land no white man want-

(Continued on page six)

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(Continued from page one)

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ed to farm. She spoke of the lack of efficiency in the long distance supervision from Washington and presented the Swing-Johnson-Indian bill, which provides that the California Bureau of Education, Public Health and Public Welfare be permitted to administer the funds appropriated by the federal government for Indian relief in California.

Such a procedure would insure first-hand supervision, which would meet the high standards of our state and would save money through duplication of work by the federal and state officials.

The Hayward Civic League endorsed this bill and voted to write to our representative in Washington. This bill is sponsored by the Commonwealth Club of San Francisco and is being pushed by the California League of Women Voters, the Federation of Women's Clubs and other organizations.

HAYWARD, CAL.
JOURNAL
MARCH 12, 1926

League Urges Aid For California Indians

364
The talk on the California Indian by Miss Alida Bowler of the Indian Defence Association, was given to a large and interested audience at the meeting of the Civic League last Tuesday. The High School Camp Fire Girls were the guests of the League and sang a few songs following Miss Bowler's talk. Miss Bowler received the Governmental treatment of the Indians from the first coming of the white man, spoke of the "Lost Treaties" which United States representatives made with the Indians and which the Senate refused to ratify and how the "Great White Father at Washington" promised to care for them, as their lands were taken away from them, pushing them off on to land no white man wanted to farm. She spoke of the lack of efficiency in the long distance supervision from Washington, had presented the Swing-Johnson-Indian Bill, which provided that the California Board of Education, Public Health, and Public Welfare be permitted to administer the funds appropriated by the Federal Government for Indian Relief in California. Such a procedure, which would meet the high standards of our state, and would save money through duplication of work by the Federal and State officials.

SANTA ROSA, CAL.
PRESS DEMOCRAT
MARCH 13, 1926

Plans to Aid Indians to Be Plotted Here

364
For the purpose of forming a united front in the effort to solve the Indian problem in Sonoma county, social service agencies and individuals interested in Indian welfare work will meet at the office of the county school superintendent here next Wednesday, it was announced yesterday by Miss Louise Clark, superintendent.

C. A. Dorrington, head of the federal Indian bureau in California, Miss Elida Bowler of San Francisco, executive secretary of the Indian Defense Association, Mrs. Walter Leroux of Alexander Valley, chairman of the Indian aid department of the County Federation of Women's Clubs, Probation Officer John P. Plover and members of the Sonoma County Social Service commission, and Miss Clark are among those who will attend the conference. All represent organizations that are engaged in Indian welfare work, but which have hitherto have worked separately. It is hoped to organize them into a single unit, in the belief that more effective results can be obtained.

Work now being done for the Indians and plans for the future will be discussed.

SAD PLIGHT OF INDIANS IN CALIFORNIA IS REVIEWED

Land Allotted Is Worthless
as Farms; Some Living in
Primitive Wigwams

"Most of the land reserved for or allotted to the California Indians is worthless for agriculture. Some of it is worthless for any purpose. There is insufficient water for irrigating and dry farming is uncertain. There is an acute need for some equitable system of providing many Indians with suitable agricultural land. The average Indian would be better off with a small area of usable land than a large tract of poor land, which many have. As there are no remaining public lands of value in California, land will have to be purchased for the Indians."

FORESTER MAKES REPORT

These are some of the conclusions reached by L. A. Barrett, assistant district forester, in a report to be tendered tonight to the Indian affairs section of the Commonwealth Club. He says in the report:

"In eighty years the Indian population of California has declined from 200,000 to 20,000, because of the man's whisky, the white man's diseases and the white man's relentless invasion of the Indian's home life and land."

LIVE IN WIGWAMS

In some portions of California today Indians are still living in wigwams as unsubstantial as those used before the advent of the white man.

The 1920 census gives a per capita worth of \$750 of each of the 16,241 Indians in the State, almost all of it in land. Land set aside for reservations are of poor quality, being practically worthless even for grazing. If Indians are put on good land they do well."

Oakland Tribune - March 18, 1926.

SANTA ROSA, CAL.
PRESS-DEMOCRAT
MARCH 13, 1926

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SAN FRANCISCO—CHRONICLE

MARCH 15, 1926

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364
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as Farms; Some Living in
Primitive Wigwams

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California Indian Conference

Nov. 1922

C. Hart Merriam
Papers
BANC MSS
80/18 c

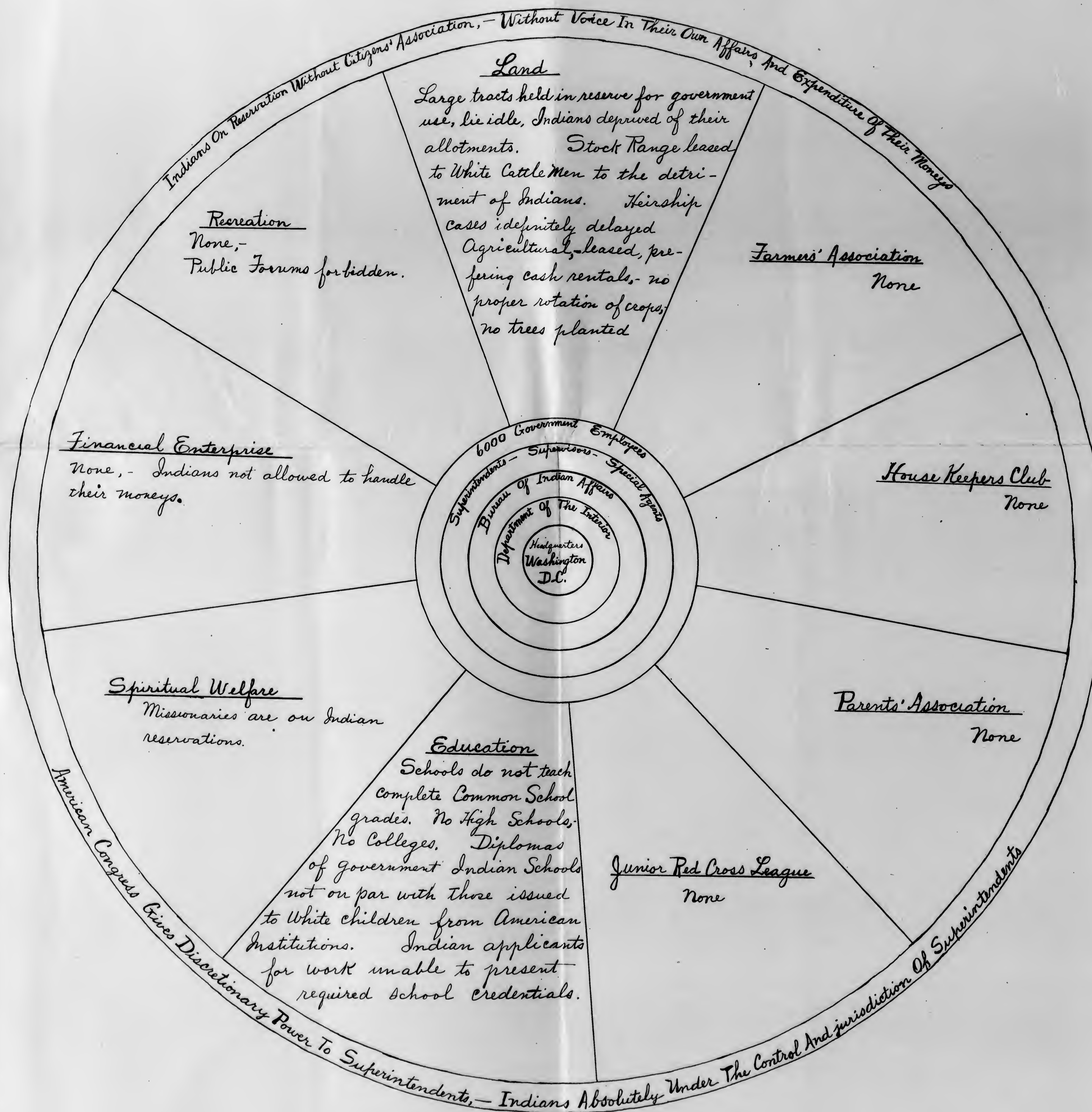
AMERICANIZE THE FIRST AMERICAN

By ZITKALA-SA (Gertrude Bonnin)

WHAT WE HAVE

Bureaucracy

A bureaucracy is sure to think that its duty is to augment official power, official business or official numbers, rather than to leave free the energies of mankind. Bagshot, English Constitution



WHAT WE WANT

Democracy

a government by the people.



AMERICANIZE THE FIRST AMERICAN

By ZITKALA-SA (GERTRUDE BONNIN)



A
PLAN OF
REGENERATION

AMERICANIZE THE FIRST AMERICAN

By ZITKALA-SA (Gertrude Bonnin)



URING two summer moons I followed Indian trails over an undulating prairie. The blue canopy of sky came down and touched the earth with a circular horizon. Within such an enclosure of infinite space, virgin soil appeared like a heaving brown sea, slightly tinged with green—a profoundly silent sea. Far out upon its eternal waves now and then came into sight a lone houseboat of crude logs. A captain on one of these strange crafts wirlessed to me an "S. O. S." My inquiry brought the answer: "Many of these houseboats are set adrift with a funeral pyre for a burial at sea."

In low log huts, adrift upon their reservation containing approximately 5000 square miles, are the souls of 7500 Sioux. So widely scattered are they that time and perseverance were required to make even a limited round of visits in the burning sun and parching wind of midsummer.

Listening one day to a sad story of the influenza epidemic among these Indians two years ago, I closed my eyes and tried to imagine this great wild area held in the frigid embrace of winter. I tried to visualize two Government physicians going forth in a Dakota blizzard to visit the sick and dying Sioux. Had they divided the territory evenly between them, each would have had to traverse 2500 square miles to attend to 3750 Indian people. Could they have traveled like whirlwinds to respond to the cries for help, their scant supply of medicines would have been exhausted far too soon. It

would have been a physical impossibility for these two wise men to vie with the wind, so they did not. They received their salary as quickly for treating one Indian as if they had cared for a thousand. Therefore, the small medical supply was saved and the Indians died unattended.

How bitter is the cold of this frozen landscape where the fires of human compassion is unkindled! It is a tragedy to the American Indian and the fair name of America that the good intentions of a benevolent Government are turned into channels of inefficiency and criminal neglect. Nevertheless, the American Indian is our fellow-man. The time is here when for our own soul's good we must acknowledge him. In the defense of democracy his utter self-sacrifice was unequaled by any other class of Americans. What now does democracy mean to him and his children?

Many Indian children are orphans through the inevitable havoc of war and influenza epidemic. Poor little Indian orphans! Who in this world will love them as did their own fathers and mothers? Indians love their children dearly. Never in all history was there an Indian mother who left her darling in a basket upon a doorstep. Indians do not believe in corporal punishment. They are keenly aware that children are spirits from another realm, come for a brief sojourn on earth. When and where they found this great truth is wrapped in as much mystery as the origin of their race, which ever puzzles thinking men and women of today. If

a correction is necessary, they speak quietly and tenderly to the intelligent soul of the child. Appreciation of the spiritual reality of the child places the Indian abreast with the most advanced thought of the age—our age, in which one of the notable signs of progress is the co-ordination of humanitarian and educational organizations for child welfare. It is a wonderful work to inculcate in the world's children today the truths accrued from the ages, that in the near future, when they are grown-up men and women, the world shall reap an ideal harvest. Children are to play, on the world stage, their rôle in solving the riddle of human redemption.

Speaking of the constructive and widespread activities of the Junior Red Cross, Arthur William Dunn, specialist in civic education, said: "The aim is to cultivate not only a broad human sympathy, but also an Americanism with a world perspective." Among

other things, a school of correspondence is started between the children of America, Europe and Asia. Loving the wee folks as I do, and concerned for the salvation of my race, I am watching eagerly for the appearance of the Indian child in the world drama.

Where are those bright-eyed, black-haired urchins of the out-of-doors? Where are those children whose fathers won so much acclaim for bravery in the World War now closed?

They are on Indian reservations—small remnants of land not shown on our maps. They are in America, but their environment is radically different from that surrounding other American children. A prolonged wardship, never intended to be permanent, but assumed by our Government as an emergency measure, has had its blighting effect upon the Indian race. Painful discrepancies in the meaning of American freedom to the Indian are revealed in the following comparisons:

1920	
Town of White Americans. Population 7500.	Pine Ridge Indian Reservation. Population 7500.
All American citizens.....	Citizenship withheld from large majority.
City government by vote of inhabitants.....	Arbitrary rule by Government official.
Commercial Club.....	None. No voice in their business affairs.
Banks, where depositors check on their accounts at will.....	None. Not allowed to handle their moneys.
Public accounts audited and reported.....	No itemized account of expenditure of Indian funds or audited statements furnished to Indians.
Amusements—Theaters, movies, dances, educational programs.....	None. No recreation halls. Dances forbidden only at long intervals.
Public libraries.....	None.
Open forums.....	None. Open forums forbidden.
Many competing physicians.....	None. Only two Government physicians.
Dentists.....	None. Teeth neglected.
Hospitals.....	None.
Common school.....	Government school to sixth grade, inclusive. Holy Rosary Mission teaches eighth grade, inclusive, fortunately for the Sioux.
Fraternities.....	None. Get-together meetings forbidden.

These differences prevail not only on one, but on every Indian reservation. Suffice it to say that by a system of solitary isolation from the world the Indians are virtually prisoners of war in America. Treaties with our Government made in good faith by our ancestors are still unfulfilled, while the Indians have never broken a single promise they pledged to the American people. American citizenship is withheld from some three-fourths of the Indians of the United States. On their reservations they are held subservient to political appointees upon whom our American Congress confers discretionary powers. These are unlovely facts, but they are history. Living condi-

tions on the reservations are growing worse. In the fast approach of winter I dread to think of the want and misery the Sioux will suffer on the Pine Ridge Reservation.

Womanhood of America, to you I appeal in behalf of the Red Man and his children. Heed the lonely mariner's signal of distress. Give him those educational advantages pressed with so much enthusiasm upon the foreigner. Revoke the tyrannical powers of Government superintendents over a voiceless people and extend American opportunities to the first American—the Red Man.—Written for The Pen Woman Magazine.



BROTHERHOOD.

By Edwin Markham.

The crest and crowning of all good,
Life's final star, is Brotherhood.

* * *

Come, clear the way, then clear the way;
Blind creeds and kings have had their day.
Break the dead branches from the path;
Our hope is in the aftermath—
Our hope is in heroic men,
Star-led to build the world again.
To this event the ages ran;
Make way for Brotherhood—make way for man.

BEAUREAUCRACY VERSUS DEMOCRACY

By ZITAKALA-SA (Gertrude Bonnin)



WE have a bureaucracy wheel with a \$14,000,000 hub and a rim of autocratic discretionary power. Between the two are the segments suppressing the energies of the Indian people. About 90 years ago the American Congress created the Bureau of Indian Affairs as a temporary measure, and it was not intended for a permanent institution. Steadily, through 90 years, the bureau has enlarged itself regardless of the diminishing Indian population, "educated and civilized" all this time.

Official power, official business and official numbers have been augmented, impinging upon the liberty-loving Indians of America a wardship growing more deadly year by year.

Whenever a plea for our human rights is made, this despotic-grown bureaucracy issues contrary arguments through its huge machinery for reasons best known to itself. It silences our inquiring friends by picturing to them the Indians' utter lack of business training and how easily they would fall victims to the wiles of unscrupulous white men were bureau supervision removed from all Indians.

I would suggest that Congress enact more stringent laws to restrain the unscrupulous white men. It is a fallacy in a democratic government to de-franchise a law-abiding race that the lawless may enjoy the privileges of citizenship. Further would I suggest that this bureau be relieved of its supervising an orderly people and assigned

to the task of restraining the unscrupulous citizens of whatsoever, color, who are menacing the liberty and property of the Indians. It is true the Indians lack business training and experience. Therefore, I would suggest business schools for the Indians, together with a voice in the administration of their own affairs, that they may have the opportunity to overcome their ignorance and strengthen their weakness.

We insist upon our recognition by America as really normal and quite worth-while human beings.

We want American citizenship for every Indian born within the territorial limits of the United States.

We want a democracy wheel whose hub shall be an organization of progressive Indian citizens and whose rim shall be the Constitution of your American Government—a wheel whose segments shall become alive with growing community interests and thrift activities of the Indians themselves. Indians require first-hand experience as others do to develop their latent powers. They proved their loyalty to country by their unequalled volunteer service in your army in the World War now closed.

You have enfranchised the black race, and are now actively waging a campaign of Americanization among the foreign-born. Why discriminate against the noble aborigines of America—they who have no other father-motherland? The gospel of humanitarianism, like

charity, must begin at home, among home people, and from thence spread out into all the world.

Americanize the first Americans. Give them freedom to do their own thinking; to exercise their judgment; to hold open forums for the expression of their thought, and finally permit them to manage their own personal business. Let no one deprive the American Indians of life, liberty or property without due process of law.



DATA FROM THE AMERICAN CONGRESS

Indians on reservations absolutely under the control and jurisdiction of the Superintendent.
—Committee Hearing of Congress.

“The police judges on Indian reservations tend toward keeping order on the various reservations; and it makes the Indians feel that they have a direct interest and duty in keeping order. * * * They are absolutely under the control and jurisdiction of the Superintendent. * * * The decision of the Indian police courts are approved by the Superintendent before they go into effect.”—Hon. E. B. Meritt, Assistant Commissioner of Indian Affairs.

“And are of no validity until aproved by him?”—Congressman Ferris.

“No, sir. It helps to make the Indians believe that they have an important part in the proper administration of their affairs.”—Hon. E. B. Merritt, Assistant Commissioner of Indian Affairs.

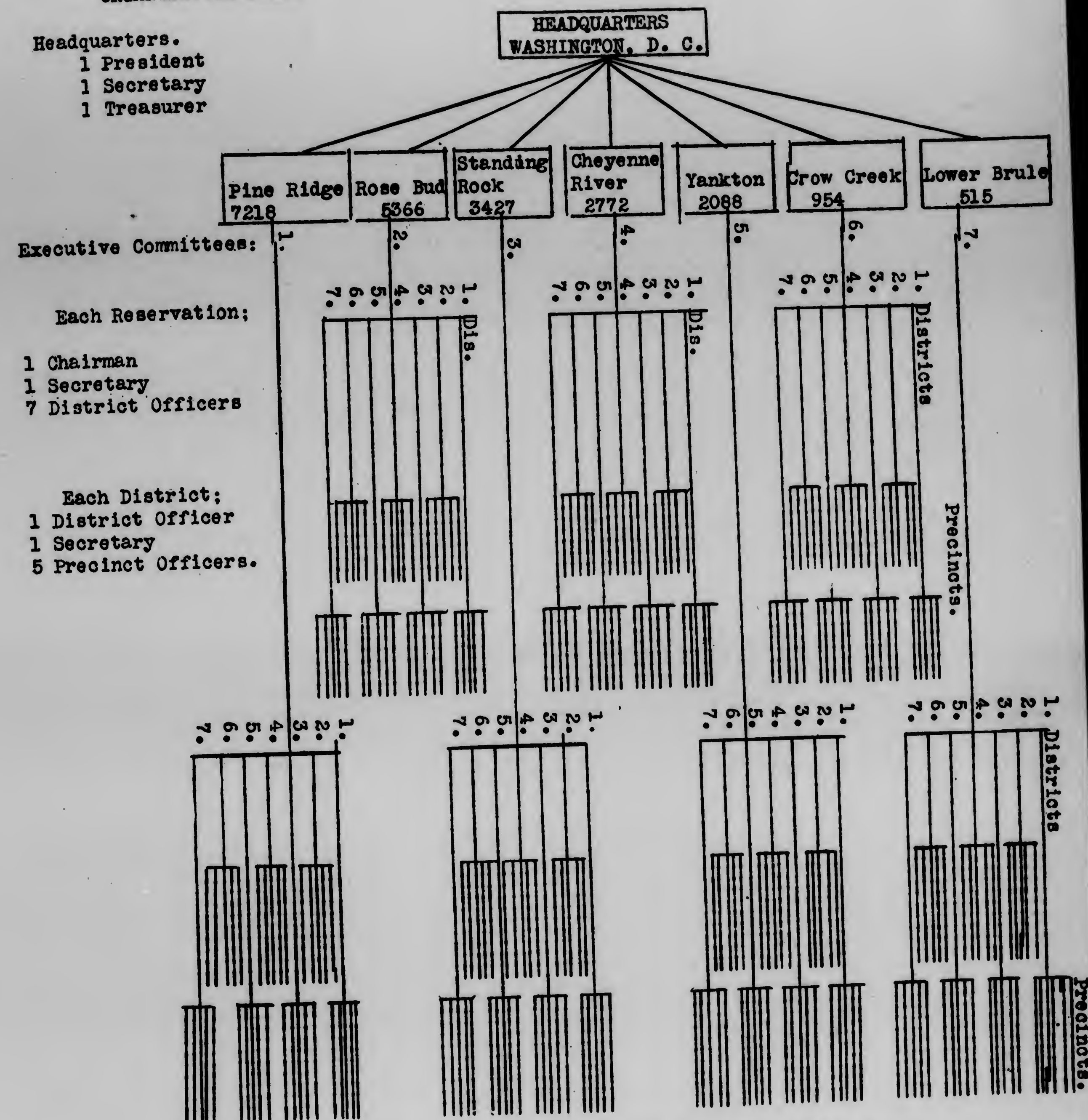
(Extract from Hearing on Indian Appropriation Bill, January 17, 1912.)

Nor shall any State deprive any person of life, liberty or property without due process of law.
—Constitution.

“I also complained and filed affidavits at the Indian Office with regard to a boss farmer at that agency (Rosebud Indian Reservation, S. D.) who deliberately shot an Indian off his horse a year and a half ago. As reported to me, the Indian lay on the ground for a long time before he was picked up. * * * I want to speak of this instance, Mr. President, because I have been asked to be specific. I filed many affidavits with the Commissioner of Indian Affairs relating to this matter months ago; an immediate investigation was promised. Doubtless, this is such a small matter that it must have been forgotten, because I have never heard further from it. This boss farmer is still on the job drawing his salary from the Government.”—Extract from speech by Hon Edwin S. Johnson in the United States Senate, February 26, 1917.

ORGANIZATION PLAN.

Headquarters.
1 President
1 Secretary
1 Treasurer



* Each District Officer is chairman in his respective district.

ADDRESS
ALL COMMUNICATIONS TO
GERTRUDE BONNIN
WASHINGTON, D. C.



Sept 4 - 1922

My dear Dr and Mrs Merriam,

On account of the late hour, I fear I shall not be able to get my message through. I am very sorry to have to defer my pleasure of visiting you tomorrow.

I am not feeling as well as I wish I did. Thank you just the same for your hospitality, Sincerely, Gertrude Bonnin



HOTEL TERMINAL
60 MARKET STREET
SAN FRANCISCO

Oct 3rd 1922

Added
Oct. 13, 1922

My friends, Dr. and Mrs. Merriam

I shall ever regret
that I was unable to
come to visit you, on
account of illness. I
am sending clippings
from the San Francisco
Bulletin. The opportunity
to gain this publicity for
our California Indians
came - at the very week
I was "under the weather" -
(I don't know what else
to blame!) so I wrote



HOTEL TERMINAL
60 MARKET STREET
SAN FRANCISCO

2

these little stories. Last
evening the Editor said
he hoped I would write
some more. Time is
so short; I fear it is
impossible to write now.
I am leaving today for
Southern California.

Sincerely
Gertrude Bonnin

Indian Reservation Roads

Through a decision by the Comptroller General the United States is authorized to defray the entire cost of roads through Indian reservations where the State in which such reservation is located agrees to this use of its share of Federal-aid funds. This will be a boon to cross-country-road travelers, as heretofore the Government was only empowered to build such roads out of tribal funds appropriated by Congress. In several of the States, where fine roads reach the reservation on each side, with a connecting link of bad roads extending across the reservation, this situation will be mitigated under the Comptroller General's decision, and State plans can now contemplate a regular system of roads without further reference to Indian reservations.

Am. Heritage
Aug. 1922

W Slope Sierra

Prucker Rock region incl Koonham Vol
Paradise &c
mountain

Colfax - Yuba River
Dry Flat region E
Carters - Tralme - Chucker
Hites Cove - Mamona
Calorow
Tremont flats
N Fk

{ River Ridge
Sycamore & c
Dumalak + Squawval

Witchamir Lower Cove reg
Tule River Reserve

Upper Columbia - Pinto Mt

Tring Forest | Hoopa Val?

Klamath River - incl Hamle

Hamling
Scott River (lower)
Haffin Camp + Ind Cr.
Chas Cr
Elliot's &c
Orleans &c + Salmon River
to near Witchfick

Hoopa
Bain Trinity up to Trinity Center
So Fk

Hayfork Val
Hittensham region
~~Paterson &c~~
Upper Lake (Ind Cr?)

Endstone ?
Strong Cr ?

Begus ?

Mc Cloud River
Rit River
Nat Cr

Quincy region (ambol &c)

Carrafa region

Trucker
Tahoe
Marshallville
Bridgeport
more w
Willson Butte?
Ruck Cr
Round Bay Vals?

Bishop
Zohfudner
Lower River
Blancha
Mildan
Onyx
Kimmeler
Tajon??

Trinity Forest

Hoofa
Willow Cr
Burnt Rock
New River —

Myamfon
Day Fkval — Kial (Harvey Gulch)
Hittenshaw Val
Minersville? (So of Trinity center)

Shanta Nat Forest

Trinity center
Rock out near Mt. Gentry Cr

Wise:

1. Land still in possession of Govt.
 1. Tribes ousted from lands
 2. Indian's title not extinguished (US not in legal possession)
 3. " still in constructive possession
 4. Action for ejectment of Agt. US. now in possession.
 5. Any member of dispossessed tribe may bring action for ejectment.
-

Pemberton:

1. Inds formerly in actual possession
 2. Lands not voluntarily relinquished
 3. " still in possession of Govt.
 4. " from which Inds now excluded!
-

Callitt:

Information wanted as to living Inds whose tribes possessed lands continuously under Federal control since Treaty of Guadalupe Hidalgo.

CALIFORNIA INDIANS' COURT OF CLAIMS BILL--Skeletonized.

Nine Indian delegates in Washington, chosen and financed by an organization of their own people--the Indian auxiliaries of the Indian Board of Co-Operation, 54 auxiliaries with a wholly Indian membership of about 6500 scattered over the State of California.

Indian Board of Co-Operation is a California organization of white friends of the Indians, incorporated, supported entirely by voluntary contributions, has worked for the betterment of conditions for the Indians and to secure their rights for about eleven years. Officers and members leading, public spirited citizens of the State. See letterhead for names of executives and directors.

Frederick G. Collett, executive representative of the Board.

Court of Claims Bill--this is merely an enabling bill which, if passed by Congress, will permit the Indians to take their claims, founded on the unfulfilled treaties of 1851-52, by which they ceded their lands to the United States government and were promised certain returns, for adjudication before the United States Court of Claims.

Treaties of 1851-52, known by the Indians as the Lost Treaties--these were negotiated with the California Indians by a duly authorized Federal Commission. By these treaties the Indians agreed to live in peace and friendship with the whites and among themselves, accept the sovereignty of the United States government and cede their lands in exchange for greatly diminished reservations and goods. The reservations--eighteen treaties were made with different tribes of Indians and eighteen reservations promised--were specifically described in the treaties by notes and bounds and aggregated about 7,500,000 acres. The goods promised included beef cattle, live stock for work and breeding, clothing, implements, seeds, school houses and equipment for their children; teachers for the children as well as teachers of agriculture and handicrafts for themselves were to be sent to them.

The treaties were signed by 400 chiefs and headmen of the Indians.

The Indians lived up to them. Also, the conditions were exacted of them.

Treaties were never ratified. Made at the time of the gold rush to California, the goldseeker sent an advocate to Washington to "protest" their interests, fearful of giving away, in the reservations promised the Indians, possible goldbearing lands.

Promises in the treaties were never kept.

Indians were dispossessed of lands they occupied, driven to the most inaccessible and barren lands of the State.

According to Prof. C. Hart Merriam, Director of the U.S. Biological Survey, and most competent authority on the California Indians, the conservative estimate of the number of Indians in California at the time of the coming of the white man was 210,000. The number of Indians now in California, liberally estimated, is about 20,000. They did not emigrate. Their reduction is admitted as due to "eviction, starvation and disease", result of their treatment by the whites.

Of the 20,000 Indians now estimated, there are about 5,000 on reservations, these reservations not of sufficient area or suitability to afford them a living. About 11,000 are scattered on severalty holdings known as rancherias, a few acres or small tract here and there, and for the most part of lands so poor that they only afford the Indians a place to stay--lands that have no water, or are barren, rocky or lava. These Indians go out to work as laborers. About 4,000 are drifters, landless, homeless, and destitute; many so old or so ailing or afflicted that they cannot maintain themselves.

The California Indians are citizens, having been accepted as such under the treaty of Guadalupe Hidalgo of 1848, by which California was ceded to the United States by Mexico. But they were generally denied the rights of citizenship--by most of the counties and communities--until, by a test case brought through the efforts of the Indian Board of Co-Operation and a Supreme Court decision established their citizenship, thus winning for them the right to vote, to send their children to the public schools under the same provisions and restrictions applying to white children, admitted them to ~~the~~ county hospitals, gave them relief in disability and destitution, etc.

Their Court of Claims Bill was introduced into the Senate by Senator Phelan of California, into the House by Representative John E. Raker, of California, was approved by acting Secretary of the Interior Vogelsang, by the Board of Indian Commissioners, unanimously approved by the Senate and House Committees on Indian Affairs, and was passed by the Senate of the 66th Congress on the unanimous calendar. Owing to crowded calendar it was not passed by the House. Consequently died automatically on March 4th, 1921, and the work has all to be done over again.

In the present--67th--Congress it was introduced in the Senate by Senator Johnson of California, in the House by Judge Raker. Now awaits further action.

The nine Indian delegates have had meetings with Senator Johnson; in Representative Kahn's office with members of the California delegation in Congress called to consider their bill; with Commissioner Burke of the Office of Indian Affairs, and with Secretary of the Interior, Albert B. Fall. Representative Kahn appointed a committee of five, including Senator Johnson, Senator Shortridge, Representatives Kahn, Raker and Swing to consult with the Secretary of the Interior and ask his approval of the bill. The Indian delegates were accorded a two-hour meeting with Secretary Fall and Commissioner Burke to plead their cause, and made a most impressive and dramatic statement of their case. The Secretary expressed himself as heartily in favor of recommending to Congress a bill asking for an appropriation giving help to the California Indians, but denied his approval to their Court of Claims Bill. Commissioner Burke recognized the California Indians as "the poorest Indians in the United States," and commented on the fact that appropriations made for them by Congress always had been inadequate, but he is opposed to their Court of Claims Bill. Appended letter of the Indian delegates to the Secretary of the Interior defines their attitude toward asking an appropriation from Congress, and their reasons for urging the passage of their Court of Claims Bill.

What the California Indians ask of the United States government is not help, not gifts or gratuities, but just compensation in the matter of the unfulfilled promises made in the treaties that they--the Indians--faithfully kept. Nor do they ask the return of the lands, or dispossess the present owners or upset titles. They ask a money compensation based on the valuation of the lands at the time the treaties were made, stipulated in their Court of Claims Bill "not to exceed \$1.25 an acre".

In appropriations they have no confidence, remembering that of moneys appropriated for the buying of the rancheria lands .6¢ went for overhead, .3¢ for land, and the land so purchased for them is mostly valueless except as affording a sitting place where they can remain without fear of eviction.

They ask only a settlement of their seventy-year-old debt, to be given what is due them, and so end the California Indian problem decently, honorably and finally.

The Indian delegates sent here by their own people are--

ALFRED C. GILLIS, Herault, Shasta County. Wintoon tribe. Tailor by trade. Leader of group. Single.

THOMAS W. BILLINGS & wife, Yreka, Siskiyou County. Scott Valley tribe. Miner, owns placer and quartz mines,--owned, remodelled and modernized old land-mark, Franco-American hotel, and sold it to concentrate on mining. Three children, one son in Army stationed in New York.

ALBERT WILDER, Orleans, Humboldt County. Central Klamath tribe (Indians call it Ar-ral tribe). Miner and farmer--married, eleven children (19 yrs. to 2 mo.).

STEPHEN KNIGHT, Ukiah, Mendocino County. Ukiah tribe. General farming. Married,--three children.

FRANK ISLES, Requa, Del Norte County. Lower Klamath tribe. Is president Klamath River Local No. 18 of United Fisherman of the Pacific with over 200 membership of Whites and Indians. Fisherman--married, one child.

WILLIAM FULLER, Soulsbyville, Tuolumne County. Mil-Wuk tribe. Farmer--married, three children.

A. J. HOGAN, Coarse Gold, Madera County. Choock Chancee tribe. Contractor and rancher. Married. Was trustee of school board in his district.

HARRISON DIAZ, Bishop, Inyo County, Piute tribe. Graduate of Stewart School, Carson City, Nevada, and Chilocco, Oklahoma. Known as "Montezuma of his people". Rancher and printer. Married.

ALBERT JAMES, Loleta, Humboldt County. Weott tribe. Educated in public school, Eureka, California. Woodsman. Married--two children. Served in war with 91st Division; training camp, Camp Lewis; in active--service abroad nine months in Belgium and France.

Indian Board of Co-Operation

(INCORPORATED)

Amended June 15, 1922

OFFICERS

Chancellor David Starr Jordan, Honorary President
(Leland Stanford, Jr., University)
J. W. Henderson, Attorney, President
(Humboldt Bank Building, San Francisco, Calif.)
Mrs. Dorcas J. Spencer, First Vice-President
(Nat. Supt. Indian Dept. W. C. T. U.)
Dr. George Wharton James, Second Vice-President
(Pasadena, Calif.)
Lester Moore, Corresponding Secretary
(Riverside, Calif.)
Rev. C. R. Fisher, Secretary and Ass't Treasurer
(Room 629 Pacific Bldg., San Francisco, Calif.)
Rev. (Mrs.) Beryl Bishop-Collett, Field Secretary

Humboldt Bank, San Francisco, Calif. } Depositories
First National Bank, Berkeley, Calif. }

REV. FREDERICK G. COLLETT
Executive Representative

Office:

418 BOOK CONCERN BLDG.
No. 3 CITY HALL AVE.
SAN FRANCISCO, CALIF.



DIRECTORS

A. C. Jensen
(Supt. Co. Infirmary, San Leandro, Calif.)
Dr. W. H. Carruth
(English Dept. Stanford University)
Dr. Francis Van Horn
(First Cong'l Church, Oakland, Calif.)
Dorcas J. Spencer
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J. E. Pemberton, Attorney
(Mills Bldg., San Francisco, Calif.)
A. C. Stevens
Dr. Raymond C. Brooks
(First Cong'l Church, Berkeley, Calif.)
J. W. Henderson
E. K. Taylor, Attorney
(Alameda, Calif.)

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~~Dr. David P. Barrows~~
(President University of California)
Dr. R. M. Alden
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Dr. O. L. Elliott
(Registrar—Stanford University)
Rev. J. Whitcomb Brouger, D. D.
(Temple Baptist Church, Los Angeles)
Mrs. G. R. Alden (Pansy)
(Dept. Editor Christian Endeavor World)
Dr. Dana Bartlett
(Calif Housing Com'n, Los Angeles)
Dr. G. R. Alden
Dr. John Willis Baer
Miss Martha N. Hathaway
(245 Cherry St., Long Beach, Calif.)
Will C. Wood
(State Supt. of Public Instruction)
Mrs. D. A. Curry
(Camp Curry, Calif.)

June 8th 1922.

Dr. C. Hart Merriam,
1919 - 16th St., N. W.,
Washington, D. C.

My dear Dr. Merriam:-

Enclosed you will find copies of certain correspondence with the Office of Indian Affairs relative to suitable legislation for the change of the term "Digger" of certain Indians of California to an appropriate name.

You will see that the Office has a tendency to stall. I intend to press the case further but shall defer such action until I am more fully advised as to the number of Indians and their location who are officially termed "Digger Indians".

If you can give me some information concerning this matter please do so.

I should also like to know the correct tribal name of the Indians who are now designated as of the "Digger" tribe. I shall appreciate any suggestions that you may offer.

Sincerely yours,

F. G. COLLETT,
Executive Representative.

Indian Board of Co-Operation *Ans. June 15, 1922*

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Term Digger

June 8th 1922.

Dr. C. Hart Merriam,
1919 - 16th St., N. W.,
Washington, D. C.

My dear Dr. Merriam:-

Enclosed you will find copies of certain correspondence with the Office of Indian Affairs relative to suitable legislation for the change of the term "Digger" of certain Indians of California to an appropriate name.

You will see that the Office has a tendency to stall. I intend to press the case further but shall defer such action until I am more fully advised as to the number of Indians and their location who are officially termed "Digger Indians".

If you can give me some information concerning this matter please do so.

I should also like to know the correct tribal name of the Indians who are now designated as of the "Digger" tribe. I shall appreciate any suggestions that you may offer.

Sincerely yours,

F. G. Collett
F. G. COLLETT,
Executive Representative.

Retake of Preceding Frame

Use of term Digger
COPY

May 20th 1922.

Commissioner of Indian Affairs,
Department of the Interior Bldg.,
Washington, D. C.

Dear Sir:-

While the California Indian delegates were in Washington they brought to our attention the desire of their people that necessary steps be taken to remove from them the stigma of the term "Digger Indians". A statement issued by Dr. C. Hart Merriam relative to the matter, reads as follows:

"During the past seventy-five years, the term "Digger" has been applied loosely or specifically to the Shoshone, Plute, Cosinte, Bannok and Washoo tribe of Indians inhabiting various parts of the Western States, particularly in the States of Idaho, Oregon, Utah and Nevada.

"In California it has been applied officially by the government, through the reports of the Indian Office, to such widely separated and wholly unrelated tribes as the Wintoon of McCloud River, the Pomo of Russian River, the Midoos of the Northern Sierra, the Southern Newak of Yosemite region and the Yokut of the Tulare country; while in the literature of the State and in the everyday usage of the white people it is forced to do duty for practically every tribe from Humboldt Bay to San Diego. Obviously therefore it is an utterly meaningless and confusing name, devoid of so much as a shadow of tribal significance. Not only is this the case, but what is far worse, it is a term implying inferiority if not contempt, and is highly objectionable to the Indians. Is there any reason why the government should humiliate intelligent, friendly, and law-abiding Indians by continuing the official use of so offensive a term?"

It would appear that congressional action would be necessary in order to relieve the California Indians and their posterity from the erroneous, ill meaning term.

C.I.A.

(2)

5/20/1922.

We would therefore ask your service in the preparation of a bill that will provide suitable remedy by Congress. We should like to have the bill introduced at this Congress by the earliest date possible and shall appreciate your service in this respect.

Sincerely yours,

F. G. COLLETT,
Executive Representative.

Office Address:
Room 302,
1311 G St., N. W.,
Washington, D. C.

COPY

DEPARTMENT OF THE INTERIOR
Office of Indian Affairs,
Washington,

May 29, 1922.

Rev. F. S. Collett,
Room 302, 1311 G Street, N.W.,
Washington, D. C.

Dear Sir:

Receipt is acknowledged of your letter of May 20th, advising of the wish of the California Indian delegates, lately in Washington, to have the use of the term "Digger" discontinued, as applied to the Indians. You quote the views of Dr. C. Hart Merriam in this connection and request the Office to assist in the preparation of a bill for abolishing this name, to be introduced in Congress at an early date.

The Office has had recent correspondence with Dr. Merriam on this subject in which it was suggested to him that probably little if any humiliating taint attaches to the term "Digger", which seems to have been the English translation of Uainuints, the name of a small band of Paintes who alone of that tribe practiced agriculture. Certainly no agricultural tendency of the Indians should stigmatize them in the estimation of anyone, and even the somewhat popular application of the word to tribes using roots extensively for food implies no more inferiority than innumerable other names originating from office, avocation, or custom, whether among Indians or whites.

These officially known as "Digger Indians" are a comparatively small number in northern California, so recognized in legislation involving the purchase of land and other transactions. It is not found that these Indians have asked for change of name or have otherwise indicated a sense of humiliation because of this designation.

The Office is, of course, not averse to giving the matter further consideration, but so far as now informed doubts the necessity for the action you propose.

Sincerely yours,

(Sgd.) E. B. MERITT,

Acting Commissioner.

COPY

LETTERHEAD OF

MUNN, ANDERSON & MUNN
Counselors at Law

New York - Chicago - Washington, D. C.

Charles Allen Munn
T. Hart Anderson
Orson D. Munn

SOUTHERN BUILDING
15th and H Streets, N.W.

Jennings C. Wise

Washington, D. C.
August 4, 1922.

Dr. F. G. Collett,
Room 319, No. 3 City Hall Avenue,
San Francisco, Calif.

My dear Dr. Collett:-

Yours of the 26th ultimo came duly to hand.

I regret that it is impossible for me to comply with your request to transmit to you my written opinion in detail in the matter of the claim of the eighteen tribes of California Indians against the United States for compensation for the lands taken from them in 1852, or thereabout. For a lawyer to submit to prospective clients not only his conclusions of law but his plan of procedure in the hope of inducing them to employ him would at least be irregular if not subject to criticism. It is certainly not good business. Of course, your friends would not deliberately take any improper advantage of us, but it is impossible for anyone to close his mind to information once acquired. Furthermore, even should they wish to compensate us for our advice opinions vary as to the value of advice, and honestly.

All we can say to you at this time, and until we are regularly employed as counsel upon a definitely agreed upon retainer, is that in our opinion the said tribes were ousted from the possession of the lands which they had the right to occupy exclusively until their title was extinguished either by voluntary act on their part or by the exercise of the right of eminent domain by the United States; their title was not extinguished; the United States has acquired no superior title by adverse possession; the Indians are in constructive possession of their lands; an action in ejectment lies against any officer or agent of the United States presently in actual possession of these lands; the statute of limitations has not run in favor of the United States; and furthermore, the United States, being in the admitted position of guardian of the Indian tribes, is estopped from pleading adverse possession or any other bar to recovery of possession. ~~An~~ ejectment not only the actual possession of the lands wrongfully taken may be recovered by the rightful possessor, but damages in the amount of a reasonable rental may be had for the period of

wrongful occupancy. Any member of a tribe that has been dispossessed may bring an action in ejectment individually in his own name. Such damages as an individual might recover, and the possession of the tribal domain, would be recovered by him for the benefit of the whole tribe. The action may be brought by an Indian who is a citizen of the United States either in the State or Federal Courts, and by an Indian who is not a citizen of the United States in the Federal Courts. The contract of employment of the attorneys, if made with the Indian Board of Cooperation, need not be submitted to or approved by the Indian Office. A judgment for damages would lie in favor of the tribe as a whole to be distributed, no doubt, in accordance with the individual rights of the tribal members by U. S. Commissioners. Jurisdiction of the claim by the Court of Claims for compensation for the lands appropriated by the U. S. is barred since it was not filed within six years from the time the cause of action arose.

The foregoing are our conclusions and we are prepared to act in accordance with them. It is for your friends to decide whether or not they have sufficient confidence in our judgment to employ us to assert the rights which in our opinion the Indians have, but we can not with propriety urge them to proceed, nor in any way guarantee the results should they do so save by placing our reputation at stake in acting upon our opinion.

In conclusion, however, let me repeat, that it seems to us that even should some unforeseen legal obstacle of a technical nature appear, sufficient to bar recovery, the facts established in the litigation of the rights of the Indians would exert a great moral influence upon Congress and thereby enhance the probability of ultimate justice being done. On the other hand, should we prevail the Indians would come into their own as a matter of right at law, and not as the recipients of charity or the beneficiaries of Congressional grace. Were it possible to obtain the same remedy in the Court of Claims and the regular courts, very superior advantages for the reasons mentioned attached to a judgment in a court of law.

Yours very truly,

(Signed) J. C. WISE

COPY

Letterhead of

J. E. PEMBERTON
Counselor-At-Law

Mills Bldg.
San Francisco

August 18, 1922.

Mr. F. G. Collett,
Executive Representative,
Indian Board of Cooperation,
Room 319, #3 City Hall Avenue,
San Francisco, California.

My dear Mr. Collett:

Yours of August 16, enclosing copy of letter of Jennings C. Wise, of Washington, D. C., addressed to yourself under date of August 4, is at hand.

Of course, if Mr. Wise has by careful study and research worked out a practicable theory for obtaining Indians' rights in lands (a theory which other attorneys have overlooked for generations) and use is made of it,--that theory ought to be treated as morally the property of Mr. Wise, which should not be stolen from him to be used by other attorneys. Although he quite properly declines to go into details, he gives enough by way of conclusions to enable an old veteran in legal practice, like myself, to draw some inferences. It would seem to me that his theory is a very logical and ingenious one, --if any lands could be found to which it could apply. But I fear there are none in California. It would seem that it first must be land once in actual possession and use by an Indian tribe,--no mere rambling over it occasionally on hunting or fishing excursions would do.

Next, it must also be land to which the Indians have not voluntarily relinquished possession.

Third, it must further be land yet in the possession of the U. S. Government, through its agents.

Fourth, it must yet further be land from which the Indians are now excluded i.e. land they are not allowed to peacefully take into their own possession without any suit.

Do you know of any land fulfilling all these conditions? I do not.

True, I may not correctly draw the inferences that seem to me to be properly drawn from what Mr. Wise writes.

Even, if all the above facts should co-exist as to any lands, I can think of many difficult barriers that might have to be crossed.

If any such action is to be brought, it might be good tactics for the Indians to quietly move upon their ancestral lands, stay there until they were ejected, and then test their rights by suing in ejectment.

As a director of the Indian Board of Cooperation, I could not advise payment of any considerable sum of our funds, fund or fund of the Indians, for retainer or expenses for any such action, unless I could see more promise of success than I now see. If Mr. Wise and his associates should choose to go ahead on a fee purely contingent, that might be more favorably considered.

Yours,

J. E. Pemberton

San Francisco
10/2/22

Dr. Merriam Lagunitas
Would greatly appreciate
interview with you
concerning proposed suit
my office tomorrow 12.0.6 clock

Recd. input of Oct 2.

Went Oct. 3, 1922. Cmm

Signed

F. G. Collette

[Prob. Aug. 19, 1922.]

and in person

Miguel Lettis
San Francisco
Going to Dr. C. H. Merriam
Lagunitas Cal

Your valued counsel is
desired at meeting of Indian
board of co operation Monday
5:00 clock, office of J. W. Henderson
500 eighth Hornbold Bank
Building S.F. We wish infor-
mation from you as to living
Indians whose tribe possessed
land that has been continuously
under federal control since treaty
of Guadalupe Hidalgo.
Will meet you expenses.

F. G. Collette

COPY

Letterhead of

MUNN, ANDERSON & MUNN
Counselors at Law

Southern Building
Washington, D. C.
October 2, 1922.

Dr. Frederick H. Collett,
Room 319, No. 3 City Hall Avenue,
San Francisco, Calif.

My dear Dr. Collett:-

Yours of the 20th ult. with enclosures at hand. I have read the letters of Judge Pemberton and Mr. Merriam with interest.

I do not deem it necessary that land be found the actual possession of which was in the Indians, as suggested ~~in~~ in the second paragraph of Judge Pemberton's letter. All that is necessary, in my opinion, is to discover a tract to which the Indian right of occupancy was attached and which has been disposed of either without their voluntary consent or by the exercise of the power of eminent domain without just compensation. The Eighteen Treaties and the formal correspondence relating thereto clearly indicate that there were such tracts. Obviously, had there not been, no exchange of other tracts therefore would have been proposed by the Commissioners. The findings of the Commissioners would seem to be conclusive on this point.

I judge from Mr. Merriam's conversation with us and from his letter that there would be no difficulty in locating such lands.

Nor, do I deem it necessary that particular Indians who themselves were ousted, be found as necessary parties plaintiff. If the tribe to which the party plaintiff belonged was ousted as a tribe, I think it would be sufficient.

I have the highest respect for the opinion and the advice of Judge Pemberton and think you could not do better than to consult with him and be guided by his advice. But we cannot, of course, represent the Indians in this matter upon a contingent basis, not only for the reason that it is against our policy to practice on a purely contingent basis, but for the reason that we know of no way in which it is possible to make a contingent contract with parties in interest. Suppose, for instance, we should agree to enter into a contract under which our compensation was to be a contingent fee, how would you proceed to have such a contract executed by those who were to pay the fee? And even if it were possible to so organize the existing members of the Eighteen Tribes of California Indians and obtain from their authorized representative the necessary consent, it would cost you an enormous sum to so organize them. Furthermore, the approval of the contract by the Indian Office would be necessary and you know what that means. On the other hand, it is possible for us to enter into a contract with the Indian Board of Cooperation without obtaining the approval of the Indian Office.

But the Board could not undertake to compensate us out of any recovery we made on behalf of the Indians because the amount recovered would be distributed among the Indians by United States Commissioners appointed for the purpose, and would not be paid to the Indian Board of Cooperation.

We are particularly anxious that your friends should not gather the impression from the negotiations which have been conducted between us that we are urging our employment. You will recall that you voluntarily consulted us and that we advised you just what we were willing to do. We are still prepared to act upon the terms stated in our correspondence.

We particularly appreciate the attitude of Judge Pemberton with respect to the moral obligation which you may have incurred in your negotiations with us. It is, of course, the view of an honorable member of the legal profession. When you came to us you and the counsel with whom you had been advising up to that time, apparently had no other idea than the obtaining of remedial legislation and the prosecution of the Indian rights in the Court of Claims of the United States. We pointed out to you that we did not deem legislation necessary, and that in our opinion, a remedy might be had in the United States and State Courts at comparatively slight expense. The suggestion was a novel one, so novel, in fact, that you requested the privilege of discussing it with your friends, who, it was also apparent, had never viewed the case in the light in which we saw it. In setting forth our views to you in order that you might go into the matter more fully with your friends in California, we did so very frankly and in a way which enabled an attorney of ability and experience to grasp our theory of the law. Under these circumstances, you certainly could not proceed on the theory propounded by us without availing yourself of our advice, but we have no disposition whatever to urge our employment. The difficulty could easily be overcome by our rendition of a detailed opinion for an agreed fee which would leave you unshackled by any obligation to us and free to employ such counsel as you might see fit. This opinion would set forth the rights of the Indians as we see them and outline the exact procedure which we think should be followed in attempting to enforce those rights.

Yours very truly,

J. C. WISE

Indian Board of Co-Operation

Amended, June 1, 1922

(INCORPORATED)



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Rev. (Mrs.) Beryl Bishop-Collett, Field Secretary

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Executive Representative

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(245 Cherry St., Long Beach, Calif.)
Will C. Wood
(State Supt. of Public Instruction)
Mrs. D. A. Curry
(Camp Curry, Calif.)

Lands for Homeless Indians
May 27th 1922.

Dr. C. Hart Merriam,
1919 - 16th Street, N. W.,
Washington, D. C.

Dear Sir:-

Enclosed you will find correspondence relative to the issuing of trust patents to the California Indians for lands recently purchased in consequence of sundry appropriation Acts.

Upon receipt of Mr. Merritt's letter, in reply to mine of May 20th on the subject, I first viewed the situation as a serious one, but upon giving the matter very careful consideration I am convinced that the Indians are better off without a trust patent.

You will observe that under the present circumstances, that the Federal Government is not in a position to plead such expenditures as off-sets to any amount that may be recovered for the California Indians, as these values have never been delivered to them. I think it well to let the matter rest temporarily at least without comment that can reach the Indian Office. You will see the importance of this.

Sincerely yours,

F. G. Collett

F. G. COLLETT,
Executive Representative.

Enc.
Office Address:
Room 302,
1511 G St., N. W.,
Washington, D. C.

Indian Board of Co-Operation *Amal. June 1922*

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1919 - 16th Street, N. W.,
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Sincerely yours,

F. G. Collett

F. G. COLLETT,
Executive Representative.

Enc.
Office Address:
Room 302,
1311 G St., N. W.,
Washington, D. C.

Retake of Preceding Frame

COPY

May 20th 1922.

Commissioner of Indian Affairs,
Department of the Interior Bldg.,
Washington, D. C.

Dear Sir:-

Through appropriations made in recent years for the purchase of land for homeless Indians in California a considerable acreage has been furnished the Indians. The benefits derived from such purchases have not had the beneficial effect that they would have had, had the Indians been given some form of assurance that their lands and any improvements that they made would not be taken from them.

It is my understanding that trust patents have not been issued for any of the property referred to. The Indians therefore haven't any evidence of a secure right of occupancy, or that they or their heirs will ever be the actual possessors of the land in question. In evidence of this statement I submit here a copy of a letter addressed to one of the Indians concerned:

"HOOPA VALLEY INDIAN AGENCY AND SCHOOL

Hoopa, Cal. May 15, 1918.

Mrs. Elisa Warren
(Elisa Lindgren)
Trinidad, Calif.

Dear Madam:

Lot No. 1 has been assigned to you, for use and occupancy, in the tract of Government Indian Land at Trinidad. I understand that this is for your own use during your lifetime, but that it does not carry the right to lease, and that after your death, it does not necessarily fall to your heirs. It is simply a temporary allotment, from unallotted Indian land, purchased from Government funds, for homeless and landless Indians of California.

Very Respectfully

(Signed) J. B. MORTSOLF,
Supt."

5/20/22.

This Indian, in common with many others, has registered to me in writing and in person, their feeling of insecurity and their desire for something in writing to show their rights in property.

In this connection we would inquire, as to what plans, if any, the Office has relative to issuing trust patents for the lands purchased in recent years for the homeless Indians of California. I believe that the issuing of such papers would be of material benefit to the Indians and that it would be a source of stimulus to individual holdings, that would encourage the Indians to make improvements to a larger degree than heretofore.

Sincerely yours,

F. G. COLLETT,
Executive Representative.

Office Address:
Room 302,
1311 G St., N. W.,
Washington, D. C.

COPY

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs

Land-Allot.
41033-22
TDM

Washington, May 24, 1922.

Rev. F. G. Collett,
1311 G St., N. W.,
Washington, D. C.

My dear Mr. Collett:

Receipt is acknowledged of your letter of May 20, 1922, in regard to allotting in severalty lands purchased for landless Indians in California.

In reply this will advise you that the primary purpose in purchasing these lands is to supply a home for landless Indians, not necessarily of any particular band, but Indians of all bands or tribes that may be in need thereof. You will perceive, I think, that under these conditions the relief contemplated is not to supply each Indian with land conveying title to him, but rather to have at the disposition of this Department a tract of land on which any landless Indian may be located as a temporary home or permanent so long as he desires to use it. In carrying out the above policy it is necessary to frequently locate a colony of from thirty to fifty Indians on a tract of forty acres. To attempt to divide such a tract into individual allotments would not be satisfactory to the Indians, and, on the other hand, would defeat the purpose for which the land was purchased.

Several such colonies have been established during the past decade, and we are at this time negotiating for additional tracts with a view to locating all the landless Indians, if possible, on lands which they may use for their homes free from interruption by the whites, but this office does not deem it advisable to encourage the proposition of allotting such lands in severalty.

Very truly yours,

(Signed) E. B. MERRITT

Assistant Commissioner.

5-GH-22



PACIFIC TELEGRAM



CLASS OF SERVICE DESIRED

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DAY LETTER ☐

NIGHT MESSAGE ☐

NIGHT LETTER ☒

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TIME FILED

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CHECK

50

Send the following message, subject to the terms and conditions printed on the back hereof, which are hereby agreed to.

TO Dr C Hart Merriam

San Francisco 11
Lagunitas Cal.

Indian board will have meeting at five o'clock tomorrow in Hendersons office your counsel will be valuable and appreciated financial report and further developments in the wise legal proposition will be discussed. Sorry you did not get earlier notice Mrs Merriam cordially invited twenty Indians Will begin conference Friday afternoon.

Frederick J Collett

Recd. by mail 22
at Westinghouse
Nov 1st and 3rd
letter same day

J. W. HENDERSON
ATTORNEY AT LAW
508 HUMBOLDT BANK BUILDING
785 MARKET STREET

TELEPHONE DOUGLAS 1110

SAN FRANCISCO, CALIF.,

August 24, 1922.

Ackd. & Accepted Aug. 27, 1922

Dr. C. Hart Merriam,
Research Associate Smithsonian Institute,
Lagunitas, California.

My dear Dr. Merriam:

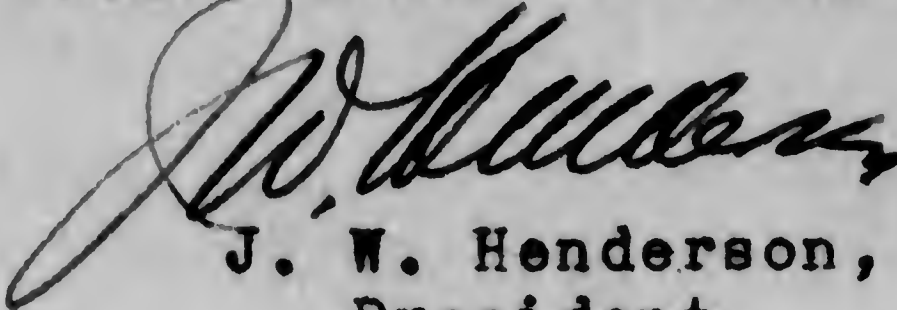
The Indian Board of Cooperation desires the pleasure of the presence of you and your wife at its meeting at 4 P.M., Friday, Sept. 1st, at my office, Room 508 Humboldt Bank Building, San Francisco. Please arrange to spend the entire afternoon and evening. Dinner will be served. The meeting is for the consideration of matters vital to the welfare of the California Indians. Your interest in Indian matters will, we are sure, make this a desirable occasion for you.

There will be at this meeting Helen Dare, San Francisco Newspaper Woman, Gertrude Bonnin, a Sioux Indian Lecturer and Writer, some California Indians and our Executive Representative, Frederick G. Collett.

Please fill out the enclosed card and return it at once.

Sincerely yours,

INDIAN BOARD OF COOPERATION,


J. W. Henderson,
President.

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Day Letter	Blue
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If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.	

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GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

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DA98 27 NITE

MS SANFRANCISCO CALIF 14

DR C HART MERRIAM

494

1919 16 ST WASHINGTON DC

EXPECT TO BE READY AND ABLE TO MAKE CONTRACT WITH MR WISE NEXT MONTH
AM ANXIOUS FOR INFORMATION AND SUGGESTIONS FROM YOU CONCERNING
SUITABLE INDIANS AND TERRITORY

F G COLLETT.

WESTERN UNION

WESTERN UNION

TELEGRAM

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DAY LETTER

NIGHT MESSAGE

NIGHT LETTER

COPY

SEND the following telegram, subject to the terms
on back hereof, which are hereby agreed to

Jan. 12, 1923.

To Dr. G. Hart Merriam

1919 Sixteenth St., Washington, D. C.

WILL YOU FURNISH BY EARLIEST MAIL POSSIBLE DESCRIPTION OF TERRITORY

OCCUPIED BY KAROK TRIBE ALSO TERRITORY OCCUPIED BY WINTOONS.

WIRE ANSWER COLLECT. AS SOON AS DESCRIPTION OF PROPERTIES ARE IN

HAND WE SHALL BE READY TO SIGN CONTRACT WITH WASHINGTON FIRM

SHALL APPRECIATE ANY SUGGESTIONS YOU MAY HAVE TO OFFER.

F. G. Collett

Change to Indian Board of Cooperation, 5 City Hall Ave.

Indian Board of Co-Operation

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Mr. J. W. Henderson, Attorney, President
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Executive Representative

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(245 Cherry St., Long Beach, Calif.)
Dr. and Mrs. Henry W. Weirick
(Liberty Bank Bldg., San Francisco, Calif.)
Mrs. D. A. Curry
(Camp Curry, Calif.)

Jan. 8, 1923.

Dr. C. Hart Merriam,
1919 Sixteenth St.,
Washington, D. C.

My dear Dr. Merriam:

I understand from Ben Wilder of Orleans that there is a Federal tract of forest reserve not far from Orleans with a large acreage of valuable timber, and that the property was originally the possession of the Cahroc tribe of Indians, and is a part of the Klamath Forest Reservation.

Do you know of such a property and can you furnish us with information as to the tribal boundaries? Do you know of any better property or Indians who could present a better test case than the Cahrocs? We are anxious for your advice and suggestions and for any help that you can furnish.

The Board will be glad to compensate you for your services and expense in this matter. Will you please outline to us the service you can render and indicate the expense?

Sincerely yours,

F. G. Collett

F. G. Collett
Executive Representative.

Ans'd Jan. 21, 1923

INDIAN BOARD OF CO-OPERATION

(Incorporated)

3 CITY HALL AVENUE
San Francisco, California

FREDERICK G. COLLETT
Executive Representative

Telephone
Market 2532

Recd. Alameda, March 8, 1923
Suite 318-319

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Loleta

THOMAS W. BILLINGS
Yreka

ETHAN ANDERSON
Upper Lake

GEORGE COLLINS
Bishop

ALFRED C. GILLIS
Heroult

March 2, 1923.

DR. C. HART MERRIAM,
1919 - 16th St.,
Washington, D.C.

Dear Dr. Merriam:

Referring to your letter of January 22nd, I wish to express appreciation for the information contained therein and for your willingness to be of service to the California Indians. We consider you most valuable as a witness in the suit that is about to be instituted.

The attorneys in their contract provide that we shall furnish them with an accurate and detailed description of the territory occupied by the Karoks. I have some of this information but at date it is incomplete. To expedite matters, I am enclosing a map of the Klamath National Reserve with the request that you kindly trace the Karok boundary in red ink and return the same to me at your earliest convenience. I am hopeful of gathering all the information necessary to begin our case within the next two weeks, and shall greatly appreciate your service in this respect.

The Board of Directors of the Indian Board of Co-Operation at its meeting on Friday, Feb. 9th, gave consideration to the proposed suit in order that the same be arranged for. The initial \$2000 fee has been provided and the additional \$8000 has also been underwritten. We have now but to whip into shape the contract and put into form the information that is required.

Very truly yours,

F.G. Collett
Executive Representative

FGC/P

Have You Subscribed for the "California Indian Herald"?

Indian Board of Co-Operation

(INCORPORATED)



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Dorcas J. Spencer
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(State Secretary Sunday School Ass'n)
Rev. Alex Beers
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J. E. Pemberton, Attorney
(Mills Bldg., San Francisco, Calif.)
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Dr. O. L. Elliott
(Registrar—Stanford University)
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Dr. John Willis Baer
Miss Martha N. Hathaway
(245 Cherry St., Long Beach, Calif.)
Will C. Wood
(State Supt. of Public Instruction)
Mrs. D. A. Curry
(Camp Curry, Calif.)

March 17, 1922

My Dear Dr. Merriam--Here is a copy of the Indians' Court of Claims Bill, and a skeletonized statement of the facts relating to it. This statement is one I prepared for the newspaper people, and is pretty tightly condensed, but covers the case. I am sending also the newspaper story I sent out to the California papers about the two-hour meeting the Indians had with Secretary Fall, as giving a sidelight on the affair, and in their letter to the Secretary the California Indians' attitude to the whole situation. Thank you and Mrs. Merriam and Miss Merriam for the interesting and delightful afternoon with you. To me there is something lovely beyond words in finding some one doing his task for service instead of the kind of profit some of our financiers call "cash money."

Sincerely yours,

Helen Dare

Indian Board of Co-Operation

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J. W. Henderson, Attorney, President
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Rev. (Mrs.) Beryl Bishop-Collett, Field Secretary

Humboldt Bank, San Francisco, Calif. { Depositories
First National Bank, Berkeley, Calif. }

REV. FREDERICK G. COLLETT
Executive Representative

Office:
418 BOOK CONCERN BLDG.
No. 3 CITY HALL AVE.
SAN FRANCISCO, CALIF.

Room 302, 1311 G Street n.w.
Washington, D.C.

(INCORPORATED)



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Retake of Preceding Frame

CHIEFS OF CALIF. INDIAN TRIBES
1922

The San Francisco Chronicle of January 17, 1922, states that on January 16, 1922, 8 Indian chiefs, "chosen by vote of their people and representing the 300 tribes and bands of California Indians" left San Francisco for Washington to ask Congress for the fulfillment of promises made by the United States Government in the "Lost Treaties" of 1851 and 1852 in compensation for lands ceded to the whites by the Indians. The chiefs were as follows:

Alfred C. Gillis of Shasta, chief of the Wintoon tribe
(leading the delegation)

Thomas H. Billings and wife of Yreka, Scott Valley tribe (12150)

Harrison Diaz of Inyo, Montezuma of his people (a painter and college man)

William Fuller of Soulsbyville, Tuolumne County, Mil Wuk tribe

Frank Isles, Del Norte, head of the Klamath river local of the United Fishermen of the Pacific

Stephen Night, Ukiah, ~~and~~^{and} Albert Wilder, Orleans, Humboldt County, of the Central Klamath tribe.

San Francisco Chronicle, Tuesday, January 17, 1922.

A. J. Hogan, Coarse Gold. (Family of Hogan ranch, Churchill River).

Albert James, Loleta.

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California Indian Conference . Clippings

Nov. 1922

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MOVE IS MADE TO AID INDIAN TRIBE NEAR STARVATION

364
Condition on Rancherie Near
Healdsburg Held
Deplorable.

HEALDSBURG, Dec. 13.—The condition of a band of Indians, living on a "rancherie," or piece of government land near Healdsburg, was described today by Mrs. Alice Howard, local Red Cross nurse, as deplorable, their living conditions as wretched, and their physical condition pathetic.

Herded onto a piece of barren ground in a canyon which is hardly accessible, with no drinking water available save what they bring for a distance of more than a mile, and in hovels containing not even the rudiments of necessities to sustain life, without windows, and receiving no government aid or attention, these people are slowly dying with disease and malnutrition, she declared.

About fifty persons, mostly women and children, occupy the tract, and when a group of local people, including Mrs. Howard, visited them this week, they found a heart-breaking condition. The local party, following a preliminary investigation made by Mrs. Howard, were taking clothing to the Indians to help keep them warm for the winter.

One of the party, Mrs. O. Thompson, herself an Indian woman, who was lucky enough to have been one of the Oklahoma tribe on whose land oil was found, making them wealthy and with ample income, expressed surprise and mortification to see her fellow Indians in such condition. It is reported she will personally see that they are given medical assistance, and some of the things they lack to sustain life, as well.

One of the Indian children of the colony is feeble minded, Mrs. Howard says, and should be taken to a state home. Another, a woman, is an epileptic. There are four or five blind women, totally unable to help themselves, and but poorly kept alive by the other sufferers in the colony. There are two widows, each with a great many children, who are unable to support themselves. Aged Indian men, tottering about and unable to work are there.

The land on which they are quartered is of no agricultural value, she declares.

No water except runoff from heavy winter rains, is to be found in the locality, and the Indians, in their extreme poverty, are unable to dig wells, have no implements with which to eke out an existence, and until recently, have had no attention paid to them. Sanitary conditions are terrible.

Within the last month their condition has been brought to the attention of the public, and several organizations in the district are trying to solve their difficulties. It is stated that the personal attention of the Indian Commission will be directed to them and the government asked to provide for them.

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**ALLEN'S
PRESS CLIPPING BUREAU**

Clipping from
**SAN FRANCISCO
CHRONICLE**
NOVEMBER 17, 1922

**CAUSE OF STATE
INDIANS HELPED
BY S. F. PARLEY**

**Red Men Increase Control
Over Own Affairs and
Adopt Budget**

"The California Indians at large will approve the acts of this convention, because it has obtained for them an increased control over their affairs, larger representation in the white board of Indian co-operation, and has adopted a budget by which they dictate the manner in which their funds shall be expended hereafter."

Indian Stephen Knight made that summary last night of the work of the convention which has held forth here for two weeks and, as he is chairman of the publicity committee and authorized spokesman, those delegates who clustered about him nodded vigorously.

"INDIAN JUSTICE"

"Without discussing the merits of the controversy which has been brought before our meeting several times by Rev. F. G. Collett, executive representative, and Miss Helen Dare, publicity director, I do want to say that 'Indian justice' will prevail. There is no doubt in my mind that both Miss Dare and Dr. Collett will receive all the moneys due them, because the Indians feel that the work that was conscientiously done should be paid for. There may have been carelessness in some respects in the spending of money. I think the very fact that we will fix an annual budget of not more \$10,000, and probably less than that amount, for future expenditures, and provide funds to meet that budget by reducing our annual dues by 33 1/3 per cent, shows some evidence of that. The treasurer's report shows that over \$30,000 has been spent in two years and ten months.

CONTROL OWN MONEY

"Dr. Collett hereafter will be paid his salary of \$2400 per year by the Indians from their own money. We will direct his work in our behalf. But the expenditure of any considerable sum, for instance as expenses for a trip to Washington, must be referred to the Indian auxiliaries before it is authorized. Thus the Indians will be in intimate touch at all times with their affairs. Indian councils will be formed at once in each of the six districts of the State and to these councils the auxiliaries will send delegates semi-annually. All delegates to these councils and to the State convention must be officers or committeemen of their auxiliaries.

"I believe the Indians have made more progress at this convention than at any gathering ever held in the history of their movement. They are now in better position to assist in carrying forward the purposes for which the Indian Board of Co-operation was organized. Our membership will increase in spite of efforts that were made to split the Indians asunder."

17, 1922 SF Chronicle
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Conduct of Own Affairs
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BUDGET PLAN ADOPTED

California Aborigines Con-
tend They Are Not Wards
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The California Indian delegates, whose convention for the past ten days has delved into the finances contributed by Indians, yesterday won several decisive victories for further representation in the administration of their affairs. Formally, the convention closed last night, but the majority of the delegates will be engaged in executive conferences as committees for at least two days more.

Rev. C. R. Fisher, secretary of the Indian Board of Co-operation, announced that each of the six districts of California would be represented by one Indian upon the advisory committee, which, as previously constituted, had no Indian among its nine members.

A budget system of expenditures was adopted; the annual membership dues to be paid by Indians was reduced from \$6 to \$4; two district conventions authorized for each year; the standard of delegates to convention raised by adopting a rule that only committeemen and officers of auxiliaries should be eligible to future conventions, either district or State, and further provided that the Indians to represent the tribes upon the board of directors and the advisory board must be those who received the highest number of votes at a general election.

NOT GOVERNMENT WARDS

Replying to a statement published October 29 in Fresno and Sacramento newspapers, and credited to the Bureau of Indian Affairs, the convention adopted a pronouncement which in the recital declared:

"As a matter of common knowledge and legal fact, the California Indians are not wards of the Government, because of the Government's failure to ratify the eighteen treaties its agents negotiated with them. Under these treaties the Government made them certain promises in return for certain things the Indians agreed to. They were to get 7,500,000 acres for reservations and about \$1,800,000 worth of aid—educational and otherwise—toward civilizing them. The Indians lived up to the conditions of the treaties, and where they refused to, or were slow about doing so, these conditions were exacted of them by force. Therefore the Indians cannot be, and have not been by actual facts in the case classified as wards.

"Whatever they have received from the Government, by appropriations from Congress or through the office of Indian Affairs, has been to meet emergencies, to tide them over pressing needs, and cannot in any way be considered as payment for the lands they ceded to the Government, or in fulfillment of the promise made in these eighteen treaties. This we feel disposes of the claim that the California Indians are amply cared for by the office of Indian Affairs.

MANAGE OWN FUNDS

"As to the our organization of our own people, the Indian auxiliaries of the Indian Board of Co-operation with fifty-eight auxiliaries, having a membership of about 8000 Indians, we have in this convention of Indian delegates sent here, duly elected by the auxiliaries, practically taken into our own hands the raising and management of our own funds, the prosecution of our purposes, and Rev. F. G. Collett is merely our official representative, paid for his services by our organization."

The status of Rev. Dr. Collett is explained differently in the following statement by Rev. Dr. Fisher, secretary of the board of directors of the Indian Board of Co-Operation, who said:

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"I have been actively engaged in this work for over ten years. Many of my associates upon the board of directors have been serving a long time and not one of us has drawn a penny of salary or expenses, and we do not expect it. My office has been the official office. The 'power of attorney' held by Collett was authorized; but, even grant that it is revoked, or torn up, or in any other way disposed of, the work goes forward."

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"We are determined not to allow outside lawyers to take these claims upon a commission basis, but whatever legal action we deem wise and necessary will be done for an agreed upon flat fee, and as cheaply as we can engage competent counsel to do it. The treasurer's report is authentic, has been duly audited and the moneys were all expended under proper authorization, and not one cent was wasted. The work will go forward with energy from this time and the Indians will have increased representation on this board. I am glad to be associated with this great work."

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OFFICIALS ISSUE STATEMENTS IN INDIAN FUND CONTROVERSY

Welfare Association Heads Claim They Have Not Drawn A Cent In Salary Or Expenses, And Do Not Expect It Moneys Expended Under Proper Authorization, Rev. Fisher Declares

SAN FRANCISCO, Nov. 14.—Announcement from Washington that the bureau of Indian affairs has urged California Indians to take no more cognizance of appeals for funds in behalf of a campaign for congressional action on the court of claims bill, has brought statements from Rev. Frederick G. Collett, representative, and Dr. Fisher, secretary of the Indian board of co-operation of California, and from Indians themselves.

Indians Bureau's Stand.

The Washington announcement, from The Bee's correspondent there, follows:

"California Indians, who have been contributing funds to private individuals in the interests of a campaign to secure congressional action on the so-called court of claims bill, are urged by the bureau of Indian affairs to take no more cognizance of such appeals.

"Officials of the bureau, who have from the beginning opposed the court of claims bill, state that the house committee on Indian affairs has agreed not to recommend the legislation.

"The advice to the Indians is the result of information the bureau has received that Rev. Frederick G. Collett, accepted representative of the Indian Board of Co-operation of California, has been asking the red men for contributions.

\$6 Subscriptions.

"It is charged that Collett, in addressing gatherings of Indians, intimated that if \$6 per head were subscribed, the fund would be sufficient with which to continue the campaign to secure any legislation.

"It was further stated that the bureau is taking ample care of all Indians, and that no attention should be paid by these wards to any appeal for funds to improve their conditions."

Collett's Status Explained.

The status of Rev. Collett is explained by Secretary Fisher, of the board of directors of the Indian Board of Co-operation, in a statement issued here as follows:

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"No Pay Drawn."

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Statement By Indians.

The following is, in part, a statement given out here following the close of the conference of the Indian Board of Co-operation of California as having been issued by Indians in attendance at the meeting in reply to the Indian Bureau's claims:

As to the statement of the Indian Bureau that the bureau is taking ample care of all Indians, the California Indians can speak only for themselves. It depends on what construction any fair-minded bystander would put on the words "ample care." The Indians have in mind Commissioner Burke's greeting to their delegation at Washington, D. C., last Winter, when he called them the representatives of "the poorest Indians in the whole country."

"Indians Not Wards."

As a matter of common knowledge and legal fact the California Indians are not wards of the government, because of the government's failure to ratify the eighteen treaties its agents negotiated with them. Under those treaties the government made them certain promises in return for certain things the Indians agreed to. They were to get 7,500,000 acres for reservations and about \$1,800,000 worth of aids, educational and otherwise, towards civilizing them. The Indians lived up to the conditions of the treaties, and where they refused to, or were slow about doing so, those conditions were exacted of them by armed force. Therefore, the Indians cannot be and have not been by the actual facts in the case—classified as "wards."

and got our ancestors to sign and live up to, it still is a question in our minds whether the bill is as dead as reported, * * * or merely sleeping.

We Indians believe it is only sleeping and that at our call, and a call from the people of California, who are with us, it might wake up and become very much alive. At any rate the California Indians by their organization, are proceeding on that theory and do not intend to abandon their court of claims bill until they are absolutely certain in their own minds that it is dead enough to bury.

Rev. Collett has given this statement in regard to the controversy:

"That bureau has done little or nothing for the Indians and we intend to press this matter to a solution independently."

The minister who was named in the dispatch as having solicited contributions from the Indians, declared that such contributions from the Indians were voluntary, and that they are being used to finance the effort of the Indians to secure just compensation. Indians who have subscribed to the fund have done so without any guarantee of securing their claim and that they were made fully aware that the money they subscribed would be used in legitimate campaign expenses.



G. Collett, representative of the Indian board of co-operation of California, and from Indians themselves.

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Collett's Status Explained.

The status of Rev. Collett is explained by Secretary Fisher, of the board of directors of the Indian Board of Co-operation, in a statement issued here as follows:

"Rev. Dr. Collett, as executive representative was authorized by the board of directors to carry on certain work and make certain expenditures of Indian funds. The board of directors derived its power to so authorize the executive representative from the constitution and by-laws of the Indian Board of Co-operation which is a duly registered California corporation operating under the laws of the state. We authorized the operations of his office with the same authority that we authorized Miss Helen Dare to act as publicity director and Dr. George Wharton James to do field organization work.

"No Pay Drawn."

"I have been actively engaged in this work for over ten years. Many of my associates on the board have been serving a long time and not one of us has drawn a penny of salary or expenses, and we do not expect it. The power of attorney held by Collett was authorized, but even granted it is revoked, or torn up, or in any other way disposed of, the work goes forward as we direct because we are the parent or supervising body to which the Indians have organized an auxiliary.

"We are determined not to allow outside lawyers to take these claims on a commission basis, but whatever legal action we deem wise and necessary will be done for an agreed flat fee and we engage competent counsel to do it. The treasurer's report is authentic, has been duly audited and the moneys were all expended under proper authorization and not one cent was wasted. The work will go forward with energy from this time and the Indians will have increased representation on this board. I am glad to be associated with this great work."

Statement By Indians.

The following is, in part, a statement given out here following the close of the conference of the Indian Board of Co-operation of California as having been issued by Indians in attendance at the meeting in reply to the Indian Bureau's claims:

As to the statement of the Indian Bureau that the bureau is taking ample care of all Indians, the California Indians can speak only for themselves. It depends on what construction any fair-minded bystander would put on the words "ample care." The Indians have in mind Commissioner Burke's greeting to their delegation at Washington, D. C., last Winter, when he called them the representatives of "the poorest Indians in the whole country."

"Indians Not Wards."

As a matter of common knowledge and legal fact the California Indians are not wards of the government, because of the government's failure to ratify the eighteen treaties its agents negotiated with them. Under those treaties the government made them certain promises in return for certain things the Indians agreed to. They were to get 7,500,000 acres for reservations and about \$1,800,000 worth of aids, educational and otherwise, towards civilizing them. The Indians lived up to the conditions of the treaties, and where they refused to, or were slow about doing so, those conditions were exacted of them by armed force. Therefore, the Indians cannot be and have not been by the actual facts in the case—classified as "wards."

Whatever they have received from the government, by appropriations from congress, or through the office of Indian affairs, has not been to meet emergencies, to tide them over pressing needs, and cannot in any way be considered as payment for the lands they ceded to the government, or in fulfillment of the promises made in those eighteen treaties. This, we feel, disposes of the claim that the California Indians are "amply cared for by the office of Indian affairs."

Fifty-eight Auxiliaries.

As to our own organization of our own people—the Indian auxiliaries of the Indian Board of Co-operation (with fifty-eight auxiliaries having a membership of about 8,000 Indian members.) We have in this convention of Indian delegates sent here duly elected by the auxiliaries, practically taken into our own hands the management of our own organization. We have taken into our own hands the raising and management of our own funds, the prosecution of our purposes, and Rev. Fred G. Collett is merely our official representative, paid for his services by our organization.

As to the deadness of the California Indians court of claims bill, by which our people ask congress to grant us permission to take into court our claims based on the eighteen treaties the United States government itself projected, framed

and got our ancestors to sign and live up to, it still is a question in our minds whether the bill is as dead as reported, * * * or merely sleeping.

We Indians believe it is only sleeping and that at our call, and a call from the people of California, who are with us, it might wake up and become very much alive. At any rate the California Indians by their organization, are proceeding on that theory and do not intend to abandon their court of claims bill until they are absolutely certain in their own minds that it is dead enough to bury.

Rev. Collett has given this statement in regard to the controversy:

"That bureau has done little or nothing for the Indians and we intend to press this matter to a solution independently."

The minister who was named in the dispatch as having solicited contributions from the Indians, declared that such contributions from the Indians were voluntary, and that they are being used to finance the effort of the Indians to secure just compensation. Indians who have subscribed to the fund have done so without any guarantee of securing their claim and that they were made fully aware that the money they subscribed would be used in legitimate campaign expenses.

Aliens Clipping Press Bureau

LOS ANGELES.
SAN FRANCISCO
PORTLAND, ORE.
CLIPPING FROM

LOS ANGELES, CAL. FIVE.

NOVEMBER 28, 1922

AID FOR INDIANS CITY CLUB TOPIC

Suffrage Symposium Given
as Argument

Bureau System Scored as
Antiquated

British Poet Has Praise for
Lenin

"This is an age when the Indian is hidden from God. But we have taken new hope that we may be able to bring relief to the sufferings of our people through the help of the government to which we are loyal, and which we feel will give us redress. Through that hope our spirits march under a new command. We are loyal to something bigger than we are, something that swings the spirit to a star."

These words of a Yuma Indian, Arsenius Chaleco, embody a pathetic hope—that the American people should verify, as was emphasized yesterday at the Woman's City Club when the subject, "Indian Suffrage" was presented in a symposium by Ida May Adams, attorney; Albert Freeman, D.D., Indian disabled veteran of the World War; Nicholas Pena, Indian farmer and Henry Ingraham, Indian, outgoing president of the Indian Progressive Society. The Indian orchestra of the latter society gave several numbers to add

to the color and atmosphere.

Mrs. William A. Fitzgerald, president of the California Federation of Women's Clubs, said that the greatest contribution that California women have made to the General Federation is the question of Indian welfare, and the establishing of that department with Mrs. H. A. Atwood of Riverside as general chairman.

Although not a federated club, the Woman's City Club has joined in this movement, and the remarkable program of yesterday was planned by the president, William P. Cunningham.

Pertinent facts compiled by the Indian Welfare League awakened in the audience great interest and a sense of deepening responsibility to the Red Man.

Among the Blackfoot reservation Indians in Montana alone there are over 10,000 Indian families living in tents and other temporary shelter; over 14,000 live in poor houses with dirt floors, one in every ten has tuberculosis, nearly 21,000 eligible children are barred from an education through lack of facilities, yet the Indian children under twelve have learned to speak three languages—Spanish, English and Indian—evidence that they do respond when given an opportunity. All these conditions prevail also in California.

The Indians are governed by a bureau employing 5500 people, exclusive of 12,000 Indian employees. Among these are white official overseers of agriculture, whom the Indians had to teach how to plant corn. The salaries aggregate nearly \$4,500,000.

This bureau, it was brought out, was a departmental agency organized in 1832 to take care of an emergency, but that emergency no longer exists. Yet the agency has grown in complexity and power and costliness year by year, with the Indian population steadily decreasing.

The cost of the Indian to the government thirty-four years ago was \$800,000, but the appropriation for the same purpose last year was \$15,346,000. Yet Indians in great numbers are going hungry.

"We have endeavored in every way to correct the situation," Homer P. Snyder, chairman of the House Committee, was quoted as saying, "but the laws under which the Indians are being supervised are of such a character that it gives the Commissioner of Indian Affairs the power such as no Czar ever had."

To balance in a measure this power, the club women of the State seek to wage a campaign to bring suffrage to all Indians as the original Americans. In the World War 5000 of the 8000 who served were volunteers, thus furnishing a ratio unsurpassed if equaled by any other race or nation. Yet those who lived to return to their native land found themselves politically voiceless and powerless.

In addition to suffrage, these are the additional advantages the club women are seeking for the Indian: To increase the legal rights and safeguards of all Indian wards; to place greater limits on the powers of Indian agents and representatives; to favor legislation which will give to all tribes the right of bringing suit in the United States Court of Claims; to encourage Indian associations where they are not a menace; to create a system of old-age pension for dependent elderly Indians; to decrease the number of employees in the Indian service; to obtain good land and adequate water for homeless Indians; to increase the holdings of those whose acreage is insufficient to yield a living, and to prosecute vigorously all offenders against the rights, liberties and properties of Indians.

Press Clipping
Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

S. F., CAL., BULLETIN
NOVEMBER 3, 1922

LEGISLATION IS DISCUSSED BY INDIANS

With twenty Indian delegates, representing 8000 California Indians in attendance, the Indian Board of Co-operation held the first of a series of sessions which will continue through this week in the assembly hall of the Methodist Book Concern Building, 3 City Hall avenue, today.

The Indians, who represent more than one-third of all Indians in California, discussed ways and means by which they may obtain rights and privileges alleged to be due them from the Federal government.

DAILY SESSIONS.

The delegates held an afternoon session today and daily sessions are scheduled for the rest of the week. There is one woman delegate in the gathering, Mrs. Juanita Charley of Hoopla Reservation, Humboldt county.

Justice and not charity is the demand of the Indians, speakers said at today's meeting. The Indians intend to work for the passage of the Court of Claims bill which provides compensation to the Indians for lands surrendered under treaties said to have been made with the government in 1851-52, and which, it is said, were never ratified.

AIDED BY WHITE MEN.

The Indians are being aided in their endeavors to obtain justice by white men who have formed the Indian Board of Co-operation. Officers of the board include:

David Starr Jordan, honorary president; J. W. Henderson, San Francisco attorney, president; Mrs. Dorcas J. Spencer, W. C. T. U. officer, first vice-president; Dr. George Wharton James, Pasadena, second vice-president; Lester Moore, Riverside, corresponding secretary, and the Rev. C. R. Fisher, San Francisco, secretary and assistant treasurer.

Allen's Clipping
Press Bureau

SAN FRANCISCO.

LOS ANGELES.

PORTLAND, ORE.

CLIPPING FROM

LAKEPORT, CAL. BEE

NOVEMBER 16, 1922

JUSTICE FOR THE INDIAN

364 (2)
Has justice been shown the Northern California Indians by the United States Government? This is a question that has been and is causing much discussion throughout the country today. Those familiar with the conditions of the Indians and who understand well the claims of the most unfortunate race, are of the opinion that our rich government has nothing to boast about when the word *Justice* is mentioned in settling claims with the people who once enjoyed the freedom of our vast prairies.

The Examiner recently published a very good editorial on the subject which not only comments on, but defines well, the Indian situation as it is today. The article follows:

There can be no greater test of the quality of justice in the United States than our treatment of the Indians.

It is a test which our government has not always met with flying colors. That must be admitted with shame.

But the fact that questions are never allowed to rest, that movements are continually in progress to safeguard the interests of the aborigines, is proof that there exists a fairly widespread conscience in the matter.

There is a meeting in San Francisco, a conference to urge passage of a bill in Congress which will allow the Indians of Northern California to bring suits, in the Court of Claims, to recover on the value of certain lands promised to these Indians by treaties over half a century ago but never allotted.

This is one of the crying instances of definite injustice to American Indians. It must be righted. The proposed bill should be passed.

Another phase of the Indian problem presents itself in New Mexico. There, perhaps, the flower of American civilization still blooms in the art of the Pueblo tribes. These tribes are really an

oppressed race. They hold what they have in the face of great opposition, an opposition which is utterly commercial and regardless of the great human beauty of these people, and their arts, which persist only in the face of great obstacles.

Mr. John Collier of California, research worker in the Indian Welfare Department of the National Federation of Women's Clubs, now residing at Santa Fe, New Mexico, is endeavoring to bring to bear upon Congress the weight of kindly opinion, widespread enough in this country, in behalf of these New Mexican tribes.

The so-called Bursum bill, which passed the Senate at the recent session but failed in the House, is a measure which these Indians' protectors believe should be greatly changed before final enactment.

As it stands, it is likely to be interpreted as to take away from some of these Pueblo tribes much of the land upon which they now live and depend for livelihood.

Certainly, such legislation should not be hastily contrived. For there rests upon the white government of the United States a very definite obligation to these aborigines whose lands—if we see the problem honestly—we possess by right of conquest, however beneficent.

Clipping from
SAN FRANCISCO
CHRONICLE
NOVEMBER 11, 1922

INDIAN ON WARPATH AT FINANCE REPORT

Convention Delegates Here
Launch Quiz on Expen-
diture of Funds

SUBMIT REFERENDUM

Redmen Vote to Revoke
Power of Attorney Vested
in Representative

The convention of California Indians, Auxiliaries to the Indian Board of Co-operation, voted yesterday to submit three important matters to the 12,000 Indians at large, for referendum decision, as the direct result of the controversy which has been developing for several days over the financial report, and the use of funds contributed by the Indians.

The State-wide referendum will be held upon the following:

No. 1—Resolved, That the California Indian delegates in the second convention assembled this 10th day of November, 1922, at San Francisco, Cal., resolve to hereby revoke the power of attorney (in fact) formerly given by the Auxiliaries of the Indian Board of Co-operation to their executive representative, F. G. Collett, same to be referred to the members of the auxiliaries for approval or rejection, said revocation to take effect within thirty days from this date.

ACCEPT FINANCIAL REPORT

No. 2—Whereas, The action of the Board of Directors of the Indian Board of Co-operation, in accepting and confirming the financial report submitted by Mr. Collett, said financial report showing that his salary and expenses were ordered paid him out of Auxiliary funds by the directors of the Indian Board of Co-operation, is reported.

Be it Resolved, That this matter be referred to the Auxiliaries for consideration and action.

No. 3—Resolved, On this 10th day of November, 1922, that the delegates in convention assembled, respectfully request that the Board of Directors of the Indian Board of Co-operation submit to the members of the various Auxiliaries for their vote thereupon, all questions that involve expenditures of Auxiliary funds, to the end that a budget be made for usual and ordinary expenses, and an agreement can be made for special and extraordinary expenditures.

TREASURER'S REPORT UP

The much discussed "treasurer's report" came before the Indians at such a late hour last night that it will not be acted upon until today.

"We are going to take this report apart, line by line," was the way Chairman Stephens Knight expressed it last night. "As a matter of fact, no 'treasurer' exists anyway. Mr. Collett may have acted as treasurer for a time, but the past year it seems that the assistant treasurer, Rev. C. R. Fisher, acted as treasurer. We must be in position to explain to our people just what has been done with every dollar they contributed, and we shall stay here until we are in possession of enough facts to do that."

Just why a "running story" had to be prepared to accompany the financial report of a certified public accountant when it was presented to the Indians has not been cleared up, and remains a sort of convention mystery. Each day that the Indians have asked for the report they have been told that the "running story" wasn't ready.

COMMENTARY ON REPORT

Last night, when the report was submitted, it was accompanied by eight typed pages of commentary, with the following introductory:

"A voluntary committee consisting of the following persons, Stephen Knight, John Carmony, Mrs. Gertrude Bonnim, Helen Dare, George Wharton James, F. G. Collett, respectfully submit to the delegation the following running story concerning the money received from the Indian Auxiliaries and how and for what it was spent. It also submits a similar story concerning the general fund of the Indian Board of Co-operation, which also represents money received from white funds."

The report of Indian moneys covers receipts and expenditures from January 1, 1920, to October 31, 1922, inclusive, the time the Indian Auxiliaries have been in existence. Receipts are given as membership dues totaling \$30,372.91, paid by the Indians. "Other income" explained to be "from honorary memberships collected from white friends, socials, entertainment, etc." amounted to \$255.67.

REVENUE EXHAUSTED

Overhead expense seems to have exhausted the \$30,628.58, as the bank balance October 31 last was \$44.62. "Salaries" in the report totaled \$11,553.42, with an additional \$1000 "fee" for publicity director. The latter is credited with \$121.51 additional for "travel" and under "liabilities" is recorded an additional \$233.57 for "traveling expenses, publicity director," advanced by the latter, and apparently unpaid.

They Want to Know Where Money Went



Delegates to the convention of California Indians include many chiefs of fame in many tribes, who are working for better conditions. Among those who are attending the convention are (sitting, right to left): A-ki-ki-tan-am and Juan Lozada of the Tejon tribe, George W. Collins of the Pauiti tribe and Ethan Anderson of the Poma tribe. Standing, left to right, are John Simmerville Pauiti tribe; Hai-ap-po and William Fuller, Miwok tribe; Po-gi-ne-ve, Pauiti tribe, and Sam Lopez, Howwinquit tribe.

Original Defective

The executive representative, Rev. F. G. Collett, is credited with \$2400 salary for both 1920 and 1921, and \$700 for 1922. His "secretarial" office salary is given as \$3268.79, "stenographic" at \$794.32, while "miscellaneous" salaries reached \$1,987.31. Of the total "liabilities" a footnote of the committee explanation states: "The amounts of \$3101.38 named above have been paid by the executive representative out of his own personal funds."

"Traveling expenses" listed under three totals as follows: Organization in twenty counties, \$8-311.23; expenses eight delegates to Washington, \$4187.21; auxiliary officers in county work, 634.28. Among the liabilities claimed by Rev. Collett as advanced by him, is the item of \$232.48 for "publicity director, transportation San Francisco to Washington, D. C., and return."

COLLECTIONS CITED

Contributions paid in by the fifty-eight auxiliaries of Indians are itemized by towns and counties. As to collections expected, the commentary report says:

"Membership dues, \$13,711.32. This is an estimate of the probable amount that will be received from the auxiliaries for the ensuing year, based on the receipts from January to October 31, 1922." It is over this fund, accumulating at the rate of over \$1000 monthly, that the Indians demand supervision in expenditure for the future.

"Assets" are stated to be: "Bank balance, \$44.62; membership dues,

\$13,711.32; office furniture and supplies, \$176.50."

GENERAL ACCOUNT

The general account or white donations is reported on for three years and one month, October 1, 1919, to October 31, 1922: Total income, \$8168.52; bank balance October 31 last, \$7.71.

"Salaries" ate up \$5888.80; traveling expenses, \$1328.89, and for delegates, \$336.83 additional. The remainder is charged to office expenses.

The Indians expect to labor on this report until Monday.

**ALLEN'S
PRESS CLIPPING BUREAU**

Clipping from
**SAN FRANCISCO
JOURNAL**
NOVEMBER 4, 1922

**INDIANS TO PRESS
BIG LAND CLAIM**

52—
Cooperation Board to Demand
Pay for 7,000,000 Acres
in Session Here

The Indian Board of Cooperation met in conference here yesterday, attended by a score of California Indians representing some 8000 aborigines not living on reservations. Their purpose was to consider new means of pressing their claims before Congress for lands yielded by their forefathers to the state under the federal treaties of 1851-2. They charge that the government failed to make compensation, as promised in the treaties, for more than 7,500,000 acres of land.

The Indians sent a delegation to Congress last spring to press the California Court of Claims bill, which places the maximum compensation at \$1.25 an acre. Owing to pressure of other bills, this measure was not acted upon.

The advisory committee of the board composed of whites and a few educated Indians, will meet this afternoon in the Methodist Book Concern building, where yesterday's general session was held.

David Starr Jordan is honorary president of the board, which has been working in the land compensation matter for the past ten years. Its president is John W. Henderson, local attorney; Mrs. Dorcas J. Spencer is vice president; Dr. George Wharton James, secretary, and the Rev. C. R. Fisher, secretary.

**ALLEN'S
PRESS CLIPPING BUREAU**

Clipping from
**SAN FRANCISCO
CHRONICLE**
NOVEMBER 13, 1922

**SQUABBLE OVER
FUNDS VEXES
INDIAN CHIEFS**

52
Convention Will Close After
Five Days of Heated
Personalities

The convention of California Indians will be closed today. If plans adopted yesterday are not upset, and immediately the census of the Indians in this State will be taken. Experts among the delegates believe that the United States Government census of 14,900, taken in 1915, will be increased to about 18,000.

Yesterday, the Indian delegates, tiring of the fifth day of "personalities," abruptly side-tracked the discussion over the manner in which the membership fund of \$30,000 was exhausted, and turned to action of constructive nature.

HAVE LITTLE POWER

It was agreed that the Indians form only an auxiliary to the Indian Board of Co-operation, and that therefore, if the by-laws of the parent body, composed of whites, empowered the board of directors to authorize Executive Representative Frederick G. Collett to make the expenditures which have been under fire in the treasurer's report, that the Indians in convention could do nothing about it.

However, the referendum will be taken, not only upon the report of the treasurer, but upon the revocation of Collett's power of attorney, in order that a definite policy may be approved by the various tribal members for the future operations of the auxiliary.

COMMITTEE OF FIVE

A special committee of five members has been named to report to the convention today upon the matters in controversy. Rev. C. R. Fisher, State secretary of the California Sunday School Association and acting treasurer of the Indian Board of Co-operation, may be asked today to appear before the convention or the committee. Other members of the board of directors who may be called upon for enlightenment include A. C. Jensen, superintendent County Infirmary San Leandro; Rev. Francis J. Van Horn, pastor of the First Congregational Church of Oakland; Attorney J. E. Pemberton of San Francisco; Miss Margaret N. Gordon of 2222 Thirty-ninth avenue Oakland; President Charles R. Johnson of the Union Lumber Company San Francisco; Attorney J. W. Henderson of San Francisco, and Attorney E. K. Taylor of Alameda.

INDIANS DISGUSTED

Realization that the Indians were so disgusted with the controversy of expenditures that they were in a state of rebellion against further payment of membership dues seemed paramount yesterday, and brought about a noticeable cessation of the accusations which have been flying freely for the past week.

ALLEN'S
PRESS CLIPPING BUREAU

Clipping from
SAN FRANCISCO
BULLETIN
NOVEMBER 9, 1922

INDIAN FINANCE IS CAUSE OF DISCONTENT

Discontent among native members of the Indian auxiliaries of the Indian Board of Co-operation, because of the organization's system of handling Indian funds, will come to a head today when the board's financial report for the past two years and ten months is presented to the auxiliary delegates from the various tribes of California, during the closing session of the conference being held in the Methodist Book Concern building in City Hall avenue.

The report, which has been considered in executive session by the native members since it was approved by the board of directors, will be accompanied by a detailed statement explaining the expenditure of moneys collected from the Indians.

The executive meetings of the Indian delegates on the finance question resulted last night in the preparation of two resolutions, both of which were tabled until after the receipt of the financial statement.

TWO RESOLUTIONS.

One of these resolutions requests the directors of the board to submit to the members of the Indian auxiliaries, for a vote, all questions involving the expenditures of large sums of money. The other provides that the salary of the executive representative, which position is now held by the Rev. Frederick G. Collett, shall be paid from the funds of the auxiliaries, providing that the resolution shall first be referred to the auxiliary memberships and agreed to by a majority vote.

In explanation of the resolutions, Indian representatives at the conclave last night said that while the native members will not decide what action they shall take until they receive the treasurer's report, the delegates are determined to take every possible measure to conserve their funds and will demand the right to say how their money shall be spent.

The Indian delegates did not learn, according to the statement of

Indian Secretary Wilder, until a certified accountant called to audit the books made his report, that Collett, the executive representative of the board, was drawing anything from funds contributed by the Indians. It had been the belief of the native members, he said, that Collett's salary of \$2400 a year and expenses were being paid from funds raised by white members.

COLLETT'S EXPENDITURES.

An expenditure of \$700, recently found to have been drawn by the executive representative, led to the discovery that the latter was drawing against the Indian funds, Wilder said.

Commenting on the reference to the \$700, Collett said:

"Let me call attention to one entry under 'liabilities,' totaling \$3600. That is, or, rather, was, a current liability until I dug down into my own pocket and paid the items which make up the total out of my own salary. Place that over on the opposite side of the ledger against the \$700, and the latter does not loom up very large."

Collett said that opportunity for minute examination of expenditures is being given the members of the committee preparing the statement to accompany the financial report.

LOCAL INDIANS PERMANENTLY ORGANIZED

364
The Indians of this section perfected a permanent organization here yesterday, when they met with the Rev. Frederick G. Collett, of the Indian Board of Co-operation.

Joe Pete was elected president; Ned Posh, vice-president; Margaret Bevelot, treasurer; Eileen Hall, secretary. The meeting was held at the hall in Pearson street, and during the session Rev. Collett made an address to the gathering. He has been engaged in this work for some years past, and understands the needs and requirements of the Indians, and the liability of the government to care for its wards. He told the Indians of this vicinity of the progress being made with the government for the relief of that people, and gave information that was pleasing to the Indians in attendance.

Fifty-two persons were in attendance, and all became members of the organization. By-laws were adopted, and much business of importance was transacted before the adjournment of the meeting. Membership dues amounting to \$23 were paid in at this meeting, the fees for membership being \$4.00 per annum, but all those qualified are admitted to membership whether or not they have the necessary fee.

The work is inter-denominational and non-sectarian, and has been carried on in behalf of the Indians for many years past.

The heads of families who were in attendance at the meeting included the following well known members of the Indian race in this section of the state:

Joe Pete, Ned Posh, Margaret Bevelot, Eileen Hall, Edward Smith, Frank Pete, Susie Taymond, George Hieland, Frank Hieland, Ben Grass, Al Elgin, Gib Elgin, Mabel Elgin, Joe Pete, Bill Smith, Tom Smith, Roy Phillips, Nancy Phillips, Tom Johnson, Will Smith, and members of their families.

1100's Clipping
Press Bureau

LOS ANGELES
SAN FRANCISCO
PORTLAND, ORE.
CLIPPING FROM

REDLANDS, CAL. FACTS 30

DECEMBER 18, 1922

Redlands Facts

OBJECT TO METHOD OF HANDLING CASH

36
SAN FRANCISCO, Dec. 18. — Considerable discontent is prevalent among native members of the Indian auxiliaries of the Indian Board of Cooperation because of the organization's system of handling funds, Indian members of the committee which recently met here declared.

The Indians are demanding the right to say how their funds, to which many Indians contribute monthly, shall be spent. They declare that this amount is considerably more than the amount donated by whites interested in the movement.

The organization is the same one which recently sent a delegation to Washington in an effort to have a special board organized to adjudicate Indian claims against the government, particularly as regards treaty rights.

The Indian delegates to the recent conclave declared they did not learn until a short time ago when a C. P. A. was called in, that Reverend Frederick G. Collett was drawing anything from the funds contributed by the Indians. It had been the belief of native members, according to Indian Secretary Wilder, that Collett's salary of \$2400 a year and expenses were being paid from funds raised by white members.

It is expected that a reorganization will take place which will put more control in the hands of the Indians themselves.

Allen's Clipping Press Bureau

SAN FRANCISCO, CALIF.
LOS ANGELES,
PORTLAND, ORE.
CLIPPING FROM

YREKA, CAL. JOURNAL 533
OCTOBER 1922

News

SISKIYOU INDIANS BACKING COLLETT

**Auxiliaries with Unanimous
Vote Approve Actions
of Conference**

**Many Turn Out to Hear Collett and
James at Yreka, Happy Camp
and Cottage Grove**

At a series of meetings held in the county last week under the auspices of the auxiliaries to the Indian Board of Co-operation the action of the conference recently held in San Francisco in extending full power of attorney-in-fact to Rev. Frederick G. Collett was in every instance unanimously approved.

The first of the meetings was held by Ieaka auxiliary at Yreka last Friday night. Rev. Collett and Dr. George Wharton James, who for more than 50 years has lived among and championed the rights of California Indians, were the principal speakers.

The speakers explained that the people of Indian blood were called to the San Francisco conference to give them more power in the administration of the Indian Board of Co-operation. The Indians responded to the invitation and as a result all future activities of the board must first be approved by the Indians.

It is pointed out that the Indians themselves prepared the budget for the coming year's expenditures, that they had revised and approved the by-laws and constitution and that they themselves had conferred upon Rev. Collett the power of attorney-in-fact.

The activities of the board in the past were bared. The speakers explained how the money raised from auxiliary memberships had been expended. In fact the entire stewardship of the board with Rev. Collett as the executive representative was fully revealed.

That the members of the auxiliary present were well-pleased with the stewardship was evidenced when they were asked to vote on the adoption or rejection of the proposed by-laws, on the budget and on the proposition of granting the power of attorney-in-fact to Rev. Collett. The vote in each instance was unanimous.

Meetings were also held by Collett and James at Hamburg, Happy Camp and Cottage Grove. They were greeted at each of these points by a large attendance and each of the auxiliaries by unanimous vote followed the action of Ieaka auxiliary.

ALLEN'S PRESS CLIPPING BUREAU

Clipping from
SACRAMENTO, CAL
BEE
NOVEMBER 13, 1922

FRICITION OVER INDIAN FUNDS BREWING

**Session In San Francisco
Makes Demands That In The
Future There Be A Strict
Accounting**

SAN FRANCISCO, Nov. 13.—The Indian Board of Co-operation, composed of whites and Indians, said to represent 8,000 aborigines not living on reservations, are meeting here to-day in the Methodist Book Concern building in a final session of a conference called "to determine the best means of pressing their claims before congress for compensation for land yielded by their forefathers to the state under the federal treaty of 1851-2."

The Indians charge that the government failed to make a compensation as provided for in the treaty for more than 7,000,000 acres of California land.

Indians In Attendance.

Eighteen Indians from various parts of California are attending the session as representatives of their race, together with a number of white officials of the Indian Board of Co-operation. The Indians sent a delegation to congress last Spring to urge the passage of the California Court of Claims Bill, which places the maximum compensation at \$1.25 per acre. The measure was not acted upon, owing, it is claimed, to the pressure of other legislation.

David Starr Jordan is honorary president of the board which has been working on the land compensation matter for the past ten years.

Controversy Over Funds.

At the Saturday session of the board heated discussion took place between white officials and representatives of the Indian auxiliaries over the method of sending and accounting for moneys donated for the campaign. Expenditure of more than \$50,000 contributed by native members in the past two years had not, according to the Indian representatives, been accounted for properly. Included in this sum was \$2,400 annually as the salary allowed the Rev. Frederick G. Collett, representative of the board. The Indians insisted on a voice in the expenditure of these moneys hereafter. It is believed that a new system of financing and accounting will be organized as a result.

Re. Collett, when asked to-day regarding a dispatch from Washington, which stated that the Bureau of Indian Affairs advised private individuals not to contribute funds to the campaign seeking congressional action on the grounds that the house committee on Indian affairs will not recommend the legislation and that the bureau is taking ample care of all Indians, said: "That bureau has done little or nothing for the Indians and we intend to press this matter to a solution independently."

The minister, who was named in the dispatch as having solicited contributions from the Indians, declared that such contributions from the Indians were voluntary, and that they are being used to finance the effort of the Indians to secure just compensation. He said that Indians who have subscribed to the fund have done so without any guarantee of securing their claim and that they were made fully aware that the money they subscribed would be used in legitimate campaign expenses.

It is expected that as a result of the final session of the board to-day that a definite policy and program will be adopted and that the new system of finances of the organization will be perfected.

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

BUNSMUIR, CAL., NEWS

DECEMBER 13, 1923

INDIANS WILL MEET

Meetings will be held in many parts of Siskiyou County during the coming week by residents of Indian blood for the purpose of organizing auxiliaries to the Indian Board of Co-operation. This will be done to further the welfare of the movement Indians and their white friends have started to secure from the government moneys which they claim due the Indians under the conditions of the treaties signed with the Indians.

T. W. Billings, leader among the Indians, is supervising the organization work in Siskiyou County.

Billings last Saturday gave a report of the recent conference at San Francisco at which he was a delegate.

Rev. F. G. Collett, executive representative of the Indian Board of Co-operation, will be the principal speaker at meetings to be held at Yreka, December 16th, Hamburg, and Happy Camp, December 17th, and Cottage Grove, December 18th.

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

Sacramento, Cal, Bee

DECEMBER 23, 1923

CALIFORNIA INDIANS ENDORSE WORK BEING DONE

Siskiyou And Humboldt Red
Men Declare Support To
Rev. Collett

ORLEANS BAR (Humboldt Co.), Dec. 23.—(P)—Rev. Frederick G. Collett of San Francisco, executive secretary of the California Indian Board of Co-operation, was given a vote of confidence at a large meeting of Karok Indians here Thursday night at which resolutions were adopted "reaffirming the power of attorney which we gave him."

Similar resolutions were adopted at Yreka, Hamburg, Happy Camp and Cottage Grove, at meetings held by the Indians and attended by Rev. Collett.

The Indians also voiced a determination to press claims for land settlements against the government and have obtained the support of many prominent white residents of Humboldt County.

INDIANS AT HAPPY CAMP BACK INDIAN BOARD

HAPPY CAMP (Siskiyou Co.), Dec. 23.—That the Indians of this section of the state stand behind George Wharton James, Rev. Frederick G. Collett, Thomas W. Billings and the Indian Board of Co-operation, as it is now constituted was indicated here when more than 100 people of Indian blood assembled and by a unanimous vote adopted resolutions endorsing the program of the board as outlined at a conference in San Francisco recently.

HAMBURG INDIANS ENDORSE WORK BEING ACCOMPLISHED

HAMBURG (Siskiyou Co.), Dec. 23.—Speaking before a large audience of people of Indian blood at the schoolhouse here George Wharton James, Rev. Frederick G. Collett and Thomas W. Billings of the Indian Board of Co-operation, explained the plans of the board and discussed the action of the conference recently held in San Francisco. Following the addresses the auxiliary here, by unanimous vote approved the budget as adopted at the San Francisco conference and also voted to extend full powers as attorney in fact to Rev. Collett for carrying on the work of the organization.

A resolution of confidence was adopted and a desire to press the Indian claims was expressed.

Recalls Indian War.

It was recalled here that fifty years ago this week the Indians were pressing their claims against the government in an entirely different manner than they are today. The Modoc war had just started. Captain Jack and his band of warriors had left the Klamath Indian Reservation and were camped in the Lost River Basin. The Indians told the government they would not live on the reservation as government charges. They wanted to locate on the fertile acres bordering Lost River.

SANTA ROSA, CAL.
REPUBLICAN
DECEMBER 19, 1923

INDIANS MOVING TO SECURE U. S. AID

The Indians of this section of the state had another meeting Sunday at Paul's restaurant, where they had dinner and a general discussion of their wants and desires in furtherance of justice to them from the United States government.

In the first place, it is claimed, the government and the white men have taken their lands from the Indians, and later they took their means of livelihood by declaring closed seasons for fish and game. Prior to that time the Indians subsisted on what they could secure from the fish and animal kingdoms, and what they could raise on small patches of ground. Now they have come to the point where they require assistance in their quest for a livelihood, and while they do not wish any alms from the government, it is their desire and hope to have justice done them, and be recompensed for what has been taken from them in their lands.

Stephen Knight from Ukiah, one of the most talented and broad-minded of the red men, gave a spirited address, in which he told of the desires of his fellow Indians, and his remarks met with a ready response from all who were in attendance. He has a splendid command of the English language, and the confidence of his tribesmen.

Ned Posh, chairman of the meeting, and Joe Bete, its secretary, also made addresses and others also added their voices. Among those present, aside from Stephen Knight of Ukiah, Ned Posh and Joe Bete of Santa Rosa, were the following Indians: Ed Smith and George England of this city, Tom Johnson, Ned Johnson and Frank Norton of Lower Lake, Herman Miller of Lake county, A. Knight, and Mr. and Mrs. Frank Miller of Ukiah, William Snow of Lake county, Jack Stevenson of Santa Rosa, Harris George of Lake county, Mr. and Mrs. Fred Lamont of this city, Mr. and Mrs. Lincoln Dennison, of Lakeport, Gib Elgin of Lake county, Mrs. Flora Posh of this city, Ben Graves of Covelo, Ralph Holden and John McGill.

In his address, Stephen Knight told of his travels and his efforts in behalf of the Indians, and states that as the result of their collective efforts he had hopes that the bill which they are urging congress to adopt will meet with favorable consideration.

Another meeting will be held the first Sunday in the new year, at which even a larger attendance of red men is anticipated.

Allen's Clipping Press Bureau

SAN FRANCISCO.

LOS ANGELES.

PORTLAND. ORE.

CLIPPING FROM

SANTA ROSA. CAL. PRESS-
DEMOCRAT
DECEMBER 19, 1922

Indians Discuss Proposed Legislation by Congress

364
Sonoma county Indians Sunday held a big meeting in the afternoon to stimulate interest in the proposed legislation for relief of California Indians in obtaining their rights to lands under treaties.

Peter Knight of Ukiah, was the principal speaker at the meeting. He urged that all California Indians unite in the campaign for legislation in congress.

Representatives from the various towns of the county and from Ukiah were present.

Allen's Clipping Press Bureau

SAN FRANCISCO.

LOS ANGELES.

PORTLAND. ORE.

CLIPPING FROM

EUREKA, CAL., TIMES

100

~~DECEMBER 19, 1922~~

DEC 23 1922

INDIANS HONOR POWER OF ATTORNEY

(E. Associated Press)

ORLEANS BAR, Calif., Dec. 2.—
Frederick J. Collitt of San Francisco, executive secretary of the California Indian board of cooperation was given a vote of confidence at a large meeting of Krock Indians here last night, at which resolutions were adopted "Reaffirming power of attorney which we gave him."

Similar resolutions were adopted at Yreka, Hamburg, Happy Camp and Cottage Grove in meetings held by the Indians and attended by Rev. Collitt.

The Indians also voiced the determination to press claims for land settlement against the government and have obtained the support of many prominent white residents.

INDIAN FUNDS EXPENDITURES ARE DETAILED

California Tribes Learn
They Are Paying Execu-
tive's Salary

STATEMENT IS PREPARED

Delegates Express Exas-
peration at Treasurer's
Report Delay

Two resolutions which were placed before the conference of California Indians yesterday opened a direct line of inquiry into the detailed expenditure of all funds raised from and by the Indians as Auxiliaries to the Indian Board of Co-Operation, which backs the Court of Claims bill.

The Indians announced last night that they had learned for the first time that Rev. Frederick G. Collett, executive representative, was drawing salary and expenses from moneys contributed by Indians; whereas they had been informed that his income came from funds raised outside from white patrons and friends.

A "voluntary" committee spent many hours yesterday preparing a statement which is to accompany the report of the treasurer when it is handed to the convention of Indians for action today. The Indian delegates last night expressed exasperation over the delay in receiving this report, which they said they had been awaiting for two days. It had been approved by the board of directors of the Board of Co-Operation on Wednesday.

TWO RESOLUTIONS

The two resolutions upon finances which led to exciting discussion at the executive session of the convention yesterday afternoon and which were tabled until the convention has an opportunity to act upon the treasurer's report, follow:

No. 1.—"Resolved, That the delegates in convention assembled respectfully request the board of directors of the Indian Board of Co-Operation to submit to the members of the various auxiliaries for their vote thereupon all questions which involve the expenditure of large sums of money."

No. 2.—"Resolved, By the delegates in convention assembled that the salary of the executive representative shall be paid from the funds of the auxiliaries; this resolution, however, to be referred to the auxiliaries and agreed to by a majority of the members present at the meeting called for its consideration."

REV. COLLETT'S SALARY

"Until the certified public accountant, who had been engaged to audit the accounts, made his report to us, we did not know that Rev. Frederick G. Collett, executive representative, was drawing anything from funds contributed by the Indians," said Indian Secretary Wilder last night. "Our sessions today were executive, but I may tell you that we learned that recently some \$700 had been drawn by Collett. Until that became known it was our information that his salary and expenses were being paid from funds raised by white people."

"Until we receive the report of the treasurer, for which we have

been waiting the past two days, we will not determine our action, but we intend to take every measure possible to conserve our funds; at least we demand the right to say how they shall be expended. This convention did not name the committee which is now preparing a statement to accompany the treasurer's report, as an explanation. That is being done by a voluntary committee, and we are not in any way committed to that report, although it has been approved by the board of directors of the Indian Board of Co-operation. We expect to get busy upon it tomorrow so that we can conclude our sessions tomorrow night and leave for our homes early Saturday. Some of the delegates must travel three days to reach their homes, which are far removed from the railways. But, we are going to act upon both of these resolutions before leaving, so that we will be able to tell our people upon our return just what is being done with the moneys they contributed."

PAID OUT OF SALARY

Rev. Collett was later asked about the item of \$700. He said: "Although the treasurer's report will not be released until tomorrow, let me show you this one entry under 'liabilities' totaling \$3600. That is, or rather it was a current liability, until I dug down into my own pocket and paid the items which make up that total out of my own salary. Place that over on the opposite side of the ledger against the \$700, and the latter does not loom up so big, does it?"

"This evening at 7:30 o'clock we have completed the entire story which is to accompany the report to the Indians and it will be typed and ready for them tomorrow. This has been done by a voluntary committee, but one of the delegates, Indian Carmody was a member of that committee. The others were Dr. George Wharton James, Helen

Indians

Seek Betterment of Their Race



Upper left, Mrs. Gertrude Bonnin, Sioux tribe, Washington, D. C.; Miss Katherine Wilder, Arrahl tribe, Orleans, Cal., and Mrs. Juanita B. Charley, Hupa tribe, Hoopa, Cal. Upper right, Rev. Frederick M. Collett, Board of Co-operation representative. Below, Mrs. Beryl Bishop Collett and Miss Wilana Collett.

Original Defective

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND. ORE.
CLIPPING FROM

Placerville, Cal.
Dec. 14-1922

Indians Meet at Nashville

(By J. Windle)

NASHVILLE (El Dorado Co.) Dec. 14—At a recent meeting of the local branch of the Oro Auxiliary Society formed some years ago by the Indians of this state to present through proper representatives, their claims and rights, to the government at Washington, D. C., for redress and adjustment, the Annual Report of the local officers, Chas. R. Padilla, Sr., and Dave Roberts, were read and approved. A Mr. Collett made an address on the rights of the Indians and how to obtain them and rendered his report of the annual conference of the State Society held in San Francisco, which he attended as a delegate.

By laws and a budget for the ensuing year were adopted. Following the business session a banquet was served to some one hundred members, followed by a social dance.

INDIAN CHIEFS OFF TO COLLECT OLD LAND DEBT

Delegates From 300 Tribes
Seek Payment Pledged
in "Lost Treaties"

Eight Indian chiefs, chosen by vote of their people and representing the 300 tribes and bands of California Indians, left San Francisco for Washington yesterday afternoon to ask of Congress fulfillment of promises made by the United States Government in the "Lost Treaties" of 1851 and 1852 in compensation for lands ceded to the white men by the Indians.

Alfred C. Gillis of Shasta, chief of the Wintoon tribe, led the delegation. The other members were: Thomas H. Billings and his wife of Yreka, Scott Valley tribe; Harrison Diaz, Inyo, Montezuma of his people, a painter and a college man; William Fuller, Soulsbyville, Tuolumne county, Mil Wuk tribe; Frank Isles, Del Norte, head of the Klamath river local of the United Fishermen of the Pacific; Stephen Night, Ukiah, and Albert Wilder, Orleans, Humboldt county, of the Central Klamath tribe.

WANT PAY FOR LANDS

These delegates were chosen by the Indian members of the Indian auxiliaries of the Indian board of co-operation, an organization formed through the efforts of Rev. Frederick G. Collett, who is now its executive representative, and the chairman of the advisory committee of which is President David P. Barrows of the University of California.

By treaties signed in good faith by over 400 Indian chiefs and head tribesmen. They were to have received sundry goods amounting to about \$1,800,000, school buildings and equipment, teachers and agricultural instructors. The goods and benefits, including schools, never have been supplied.

LOST TREATIES FOUND

For many years the treaties were lost, but through the efforts of Collett they have been found, and now afford a definite basis for action by the Indians.

S.F. Chronicle, Jan. 17, 1922.

[over]

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

Placerville, Cal.
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By laws and a budget for the ensuing year were adopted. Following the business session a banquet was served to some one hundred members, followed by a social dance.



Fred Miller, Post Staff Photographer.
Delegation of California Indians here to seek fulfillment of "The Lost Treaties" of 1851 and 1852 which were recently recovered. Front row, left to right—Steven Night, Alfred C. Gillis, Harrison Diaz. Second row — Frank Isles, Albert Wilder, William Fuller and Thomas W. Billing.

Wash. Post - Jan. 25, 1922

[over]

c Oct 19, 1922 - SF Chronicle

WOMAN PLEADS TO GIVE INDIANS RIGHT OF VOTE

U. S. Is Forgetting Her Own
While Caring for Euro-
peans, She Says

SEEK COURT RIGHTS

Member of Sioux Tribe of
the Dakotas Addresses
W.C.T.U. at Modesto

MODESTO, Oct. 18.—The great heart of America must become manifest on behalf of the Indian, if he is to be saved from extermination, Mrs. Gertrude Bonnin, a member of the Sioux tribe of the Dakotas, told the forty-second annual convention of the Woman's Christian Temperance Union in California here today. Mrs. Bonnin's Indian name is "Zitkala-Sa," she explained to the delegates.

"America, in the turmoil of world traffic, and perhaps in the very act of feeding the starving children of Europe, may not forget her own needy Indian people, mute and rapidly dying off on account of conditions of semi-starvation on reservations and elsewhere," she said.

OPEN COURT DOORS

"Open the doors of the courts of the land to my Indian people. Open the doors of America's schools to the Indian children. Enfranchise the American aborigines. To deny them justice today will be the most un-American act in history.

"Hasten the day of Federal justice to the American Indian. Inspire our American Congress to grant the Indian his day in court speedily."

INDIANS DEMAND RIGHT OF FRANCHISE

KANSAS CITY, Oct. 18.—The office of Indian affairs in the Department of Interior was flayed in addresses here today before the annual conference of the Society of American Indians.

"Taxes of from \$11,000,000 to \$15,000,000 go to maintain the Indian bureau, said Thomas L. Sloan, president of the society. "Added to this is the indiscriminate use of trust funds of the tribes. This money goes for administrative purpose out of which the Indians get no benefit.

The Indians of the United States demand the right of franchise and all the other privileges that go with American citizenship, speakers declared.

"Are we, the race that lived here before Columbus came to America, to be denied citizenship?" exclaimed Dr. Carlos Montesuma of Chicago. Declaring that the Indian Bureau has outlived its usefulness, Dr. Montesuma continued:

"The bureau has a license to ruin the race that lived here before the white race came. America freed the black man. Some one has said that Lincoln should have freed the Indian first.

"The Indians have billions of dollars and its pays to be guardian over a ward that has so much money.

"But we are not fighting for money. But what we want is to be delivered from bondage. The country should put a stop to the close regulation of the reservations which prevents the Indians there from developing responsibility."

Indians are amply able to take care of themselves, according to the Rev. Harvey E. Syckle of El Reno, Okla.

SANTA ROSA, CAL. PRESS-
DEMOCRAT
DECEMBER 17, 1922

Local Indians Will Have Meeting Today

The local organization of Indians will hold a meeting at Paul's restaurant this afternoon at 2:30 o'clock to complete its organization.

They are making plans to get legislation through congress. Peter Knight of Ukiah, will be at the meeting.

Relative to the claims of California Indians, the San Francisco Bulletin published the following:

It is comforting to learn that the Indians now in Washington for the purpose of securing justice for their people in California are not asking for the impossible. Instead of demanding all that was granted them in the original treaties and all that has accrued to them by virtue of the increased values of land, they are asking only compensation for the lands at their valuation at the time that the pacts were made. As reported by Helen Dare in her special article to The Bulletin, "it is stipulated in their court of claims bill that this (value of lands) shall not be more than \$.20 an acre," though some of the lands are among the richest in California.

Some day the historian will shed a vicarious tear as he records the regrettable prose of our dealings with the Indians. We have dispossessed these people but we have not done them the justice we would be legally obliged to do when dispossessing those with legal, but less moral claims on their holdings.

SF Chronicle

Chm Oct 20 1922

VOTES FOR THE INDIANS

That Is Not What They Need, but Honest
and Decent Treatment

AN Indian woman, addressing a convention of the W. C. T. U. at Modesto, made a plea for allowing California Indians to go to court to prove their claims against the Government; allowing Indian children to attend the public schools, and permitting Indians to vote.

On the same day at Kansas City, at a conference of the Society of American Indians, there was equal insistence on the right to vote, but special stress was laid on the waste of Indian funds and taxes levied for their benefit in administrative expenses for the benefit of the Washington bureaucracy.

So far as voting is concerned any Indian who does not receive money from tribal funds, but sets up as an independent citizen, may register and vote like any other American born. It is said that most of such Indians would rather go without voting than pay taxes on their property. The majority of the tribal Indians are not fit to be voters, and in any case their vote is not large enough to give them any hold on the politicians.

In recent years the policy of the Washington Government in respect to Indians has represented actual idealism, but the work of preventing their plunder by white men in contact with them has been stupendous and not always successful. There is improvement from year to year. Of course we have outrageously plundered them of their good lands from the beginning.

To forbid, or even object to permitting, our California Indians from suing in the Court of Claims on a treaty contract is as contemptible a thing as was ever done to a weak race by the stronger.

Sioux Indian Woman

AUTHOR AND LECTURER

A Message to the American People.

"American Indian Stories" has been endorsed by Mrs. Thomas G. Winter, President of the General Federation of Women's Clubs, by Mrs. Edward Bailey, President, and Mrs. John Mason, Director of the Illinois Federation, and many other Federation officers. These stories from life show the heart of the Indian child in her struggle for an education, the Indian teacher, and later depicts conditions of Indian reservations.

This work contains excerpts from the report of the Bureau of Municipal Research of New York City, prepared for information of members of Congress, and is authentic on the status of the Indian.

"Americanize the First American," a leaflet with a map, is a story of absorbing interest.

"Old Indian Legends" is unexcelled for children's stories.

Zitkala-Sa is devoting her time in lectures before the women's clubs and looks after the Indian's interest in the Congress of the United States. Her books should be in the hands of every American.

PRICES—"American Indian Stories," \$1.00. Postage 10 cents.

"Americanize the First American," 20 cents.

"Old Indian Legends," autographed copy, \$1.00. Postage 10 cts.

Address GERTRUDE BONNIN, 1830 California St., N. W., Washington, D. C.



ZITKALA-SA,
Member of American League
of Pen Women

Famous Sioux Indian Woman Seeks Out Lonely Outposts Of Her Rapidly Dying Race

Enforcement of Ancient Treaties Goal of Scion of Sitting Bull

California Indians, scattered families hidden away here and there in mountain and canyon, are being sought out by Mrs. Gertrude Bonnin, Sioux Indian woman and descendant of Sitting Bull, and encouraged to continue their efforts for a hearing before the Court of Claims in Washington on the enforcement of long lost and recently discovered treaties between the Indians and the early white settlers of the State.

Mrs. Bonnin, whose Sioux name is Zitkala-Sa, is widely known as a magazine writer and author of several books of Indian legends and tales. She has returned to San Francisco after passing two weeks in the northern part of the State, where she literally searched the mountains for isolated groups of Indians. She will leave soon on another trip to the interior of the State on a similar errand.

The treaties which formed the basis for the recent efforts of a California Indian delegation in Washington were drawn up during the early days of the State, at the time of the gold rush. Under their terms the Indians were to receive certain tracts of land in return for title to other districts.

But shortly after their drawing up, the treaties disappeared. Unaccustomed to the white man's politics, the Indians could do nothing. For nearly seventy years, the treaties were missing, and only recently they were found in the secret archives of the State.

Basing their appeal on the treaties, the Indians have been asking a hearing before the Court of Claims. This, they have so far been unable to obtain, but they plan to keep on trying.

In her travels through the country, seeking to aid the Indians, Mrs. Bonnin has discovered a steadily growing sentiment in favor of giving the Indians an equal chance to make good. This sentiment needs only to be organized, she said, and brought to bear on Congress, which, so far, has failed to realize Indian needs.

Mrs. Bonnin is in California under the auspices of the Indian board of co-operation, an organization with San Francisco headquarters, which is seeking to co-ordinate and strengthen the already existing, but scattered interest in the Indian problem.



Mrs. Gertrude Bonnin, descendant of Sitting Bull, who is seeking the Indians of California that they may rally toward the enforcement of ancient treaties.

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

SANTA ROSA, CAL.
REPUBLICAN
DECEMBER 11, 1922

INDIANS ARE TO SEEK JUSTICE FROM U. S.

364
The Indian residents of this vicinity held a meeting yesterday afternoon at the residence of Ed Smith in West Tihrd street and organized for the purpose of finding ways and means for getting a bill through congress providing for their needs. All these Indians ask is justice from the government which has treated them miserably, they say, having taken their lands without remuneration and made them outcasts.

At a meeting to be held in the near future the Rev. F. G. Collett, executive representative of the Indian Board of Co-operation. He will bring important tidings to the Indians.

Need Posh, one of the prominent Indian leaders of Loke county, was made chairman of the meeting yesterday, and Joe Pete of Santa Rosa was chosen secretary. In addition to the officers, the following Indians were in attendance:

Fred Lambert, George Hieland, Edward Smith and A. Stevenson, all of Santa Rosa; Frank Norton, Tom Johnson, Harris George and Allie Elgin, of Lake county, Ben Graves of Covelo, George Campbell and A. Miller of Ukiah.

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

YREKA, CAL. NEWS
DECEMBER 22, 1922

12/13/22
Yreka News

BIG POWWOW

TO HEAR JAMES

364
Dr. Horton James of San Francisco, vice-president of the Indian Board of Co-operation will be in Yreka Friday, December 22, and will be accompanied by Rev. F. G. Collett executive member of the above board.

A meeting has been called for 7 o'clock that evening at the Methodist Church. The object of the meeting is to advise the Indians as to the object of this Indian Board, and its futher object is pressing the Indians' claim in the Court of Claim Bill.

Mr. T. W. Billings in speaking of the matter yesterday said the bill died last year on the calendar in congress for lack of some one there to press it. It is hoped, he stated, that two or three delegates may be sent there, when the bill is again presented, to push the claim.

With some of the Indians there has grown up a misunderstanding relative to the white man's assistance and objections have been made to any on the council. Those on the board seem loyal and true to the Indians' best interest, and such men as David Star Jordan, Mr. Fisher of the M. E. S. S. Board, have the work very much at heart.

In some counties where the Indians are wealthy, as in Mendocina County they are offering to pay as much as \$20 per year per capita, if needed to further the pushing of the claim at Washington.

If weather conditions permit, a large gathering is expected here to hear the speakers at the Friday evening meeting.

The recent meeting at Happy Camp was one of the largest held there since the famous mining days. Representatives were there from all sections of this end of the state. Six car loads came in from Crescent City, twenty people were there from Hamburg. Only a small number went from here and included Mr. and Mrs. T. W. Billings and daughter Miss Marial Miss Miranda Offield and Mrs. Fred H. H. H.

Ind. Board Cooperation

Collett's statement carries:

His salary 1920 + 1921 @ 2,400.

"Secretarial" 3,268.79

"Stenographic" 794.32

"Misc. salaries" 1,987.31

\$6,050.42

6,050.42

Salaries

Ad. from India money

\$8,450.42

Bank Bal Oct 1922 - \$44.62

"Salaries in the report totaled \$11,550.42"

Traveling Expenses \$8,311.23

which donations for 3 yrs (to Oct 31, 1922) \$8,168.52
(of which salaries at up \$5,888.80, traveling exp \$1,328.87)

Indian dues \$30,372.91

Press Clipping Bureau

FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

S. F. CAL. CHRONICLE
NOVEMBER 14, 1922

THE INDIAN QUESTION

52 Opposition to Permitting Indians to Sue Creates Suspicion of Fraud

IT IS conceded that years ago authorized representatives of the Government concluded a treaty with certain tribes of California Indians, whereby for a certain consideration the Indians surrendered their rights to certain lands. Supposing the matter to be settled the Indians, being honest, at once turned over the lands which they had sold and went elsewhere. What they did not know was that the treaty was waste paper until ratified by the Senate.

There is some haze surrounding the dealings with that treaty after it was signed. Apparently it was never submitted to the Senate or, if submitted, not ratified. At any rate the document was hidden so effectually that it was never discovered till quite lately. At any rate the Indians never received the consideration, whatever it was, for which they sold the lands.

Now, from the standpoint of an ignorant layman, the legal situation is this: The treaty is valid, or could be validated, in which case the Indians are entitled to whatever was promised, with interest to date. Or, on the other hand, it is mere waste paper and the Indians are entitled to possession of the lands which they turned over. The Government certainly cannot plead its own laches in its own favor, nor can a prescriptive title run against a ward of the Government.

The Indians are now asking permission of Congress to sue in the Court of Claims for a settlement on one basis or the other. It is not granted.

If the American people were really "idealistic," as is claimed; if they, in fact, were obsessed with a love for the true and the beautiful; if, in fact, we were merely as honest as the Indians, Congress would promptly invite them to sue, at the same time making sure that able counsel was employed for a fixed cash fee and under no circumstances a contingent fee.

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

S. F. CAL. DAILY NEWS—345
NOVEMBER 13, 1922

52 * * * * *
IF YOU care to learn a chapter in American justice not to be found in your histories, pay a visit to the conference of California Indians being held here.

What you will learn is this:

Not so many years ago two classes of Indians flooded this western land. One group was belligerent, hostile—a fighting clan that gave the government no end of trouble. To settle them down a bit, the government gave them pretty nearly everything they asked for in the way of lands and bequests. They still have them, for the most part.

The second group was peaceful and friendly. The government promised them all sorts of things, in fact an agreement was drawn up and certain lands were set forth as their heirloom.

But Washington officials from time to time carefully pigeonholed these agreements and much of the valuable land has fallen into hands of the politically

powerful. And so the peaceful Indians may sit outside the door and sing, while Sec'y Fall heaves invectives on them and turns a deaf ear.

It isn't a pleasant or inspiring thing to think about, but there it is.

Suppose, for instance, that the government were to round up the gun men, yeggs, second-story workers, auto bandits and brigands in general and settle upon them vast holdings to keep the peace—

And suppose that all we peaceful folk were to wake up and find that our reward for lawful conduct had been to be stripped of all the holdings assured us—

How would we feel about it?

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

S. F. CAL. CHRONICLE
NOVEMBER 14, 1922

OUR CALIFORNIA INDIANS

What They Need Are the Services of Some "Dollar-a-Year" Men

52
NO ONE can look into our treatment of the California Indians without being utterly ashamed of his National Government. While there has never been any intention at Washington to mistreat these Indians, neither has there ever been reasonable care to prevent them from being cheated. And all the time it has been notorious that the outskirts of every Indian settlement have been infested with white sharpers seeking to plunder and degrade.

Almost the only white people who could be interested in our Indians have been excellent persons of small means and no business experience. They have done the best they could. With considerable effort they have raised some money, apparently consumed mostly in expenses. The result has been a jangle, although it is improbable that there has been any speculation.

What our Indians need is the assistance of two or three well-known men of the class that during the war were known as "dollar-a-year" men. A small amount of competent paid service is needed, for which funds would be promptly supplied on request from men of national reputation. And the people of California owe it to the Indians whose lands we have seized to employ for them a lawyer of the highest grade to take their case. The other necessary expense is mostly clerical, postage and printing.

If the local head of the Red Cross will call upon two or three of our best known men of large affairs to take up the matter and see that justice is done they will respond and do the job. It is not a case for charity or sentiment. It is a case of doing justice. The inexperienced do not know how to get it.

DEC 27 1922

CALIFORNIA'S INDIANS ENDORSE WORK BEING DONE

364
SISKIYOU AND HUMBOLDT RED
MEN DECLARE SUPPORT TO
REV. COLLETT

ORLEANS BAR, December 26.—
Rev. Frederick G. Collett of San
Francisco, executive secretary of the
California Indian Board of Co-opera-
tion, was given a vote of confidence
at a large meeting of Karock Indians
here Thursday night at which resolu-
tions were adopted "reaffirming the
power of attorney which we gave
him."

Similar resolutions were adopted at
Yreka, Hamburg, Happy Camp, and
Cottage Grove, at meetings held by
the Indians and attended by Rev.
Collett.

The Indians also voiced a deter-
mination to press claims for land set-
tlements against the government and
have obtained the support of many
prominent white residents of Hum-
boldt county.

INDIANS AT HAPPY CAMP

BACK INDIAN BOARD

HAPPY CAMP, December 26.—

That the Indians of this section of the
state stand behind George Wharton
James, Rev. Frederick G. Collett,
Thomas W. Billings and the Indian
Board of Co-operation, as it is now
constituted, was indicated here when
more than 100 people of Indian blood
assembled and by a unanimous vote
adopted resolutions endorsing the
program of the board as outlined at
a conference in San Francisco re-
cently.

HAMBURG INDIANS ENDORSE

WORK BEING ACCOMPLISHED

HAMBURG, December 26.—Speak-
ing before a large audience of peo-
ple of Indian blood at the school
house here George Wharton James,
Rev. Frederick G. Collett and Thomas
W. Billings of the Indian Board of
Co-operation, explained the plans of
the board and discussed the action of
the conference recently held in San
Francisco. Following the addresses
the auxiliary here, by unanimous vote,
approved the budget as adopted at
the San Francisco conference and
also voted to extend full powers as
attorney in fact to Rev. Collett for
carrying on the work of the organi-
zation.

A resolution of confidence was
adopted and a desire to press the
Indian claims was expressed.

Recalls Indian War

It was recalled here that fifty
years ago this week the Indians
were pressing their claims against the
government in an entirely different
manner than they are today. The
Modoc war had just started. Captain
Jack and his band of warriors had
left the Klamath Indian reservation
and were camped in the Lost river
basin. The Indians told the govern-
ment they would not live on the res-
ervation as government charges. They
wanted to locate on the fertile acres
bordering Lost river.

PLANS MADE TO REGAIN INDIAN LAND AT MEET

364
A large group of citizens interest-
ed in Indian welfare work and
representative Indian people of
northern California met last night
at the Hotel Vance at a dinner and
business meeting relative to bringing
suit in the courts for the benefit of
the Indians, who, according to many
interested in their welfare, were
victimized in early days through
treaties in which they gave up their
land but received nothing in return.

Through the suit which will be
instituted, it is hoped by those in-
terested in the move to regain a
portion of the value of the land and
property which the Indians lost.
F. G. Collett, executive representa-
tive of the Indian Board of Coopera-
tion was present, and gave his views
of the situation. Included on the
program were special Indian songs
by Mr. Gillis, a Wintoon Indian
and other features of entertainment.

Allen's Clipping
Press Bureau

AN FRANCISCO,
LOS ANGELES,
PORTLAND, ORE.
CLIPPING FROM

eramento, Cal. Bee
DECEMBER 8, 1922

INDIANS WILL MEET

Welfare of Natives Will Be Dis-
cussed at Several Meetings
in Siskiyou.

364
YREKA (Siskiyou Co.), Dec. 8.—
Meetings will be held in many
parts of Siskiyou County during
the coming week by residents of
Indian blood for the purpose of or-
ganizing auxiliaries to the Indian
Board of Co-operation. This will be
done to further the welfare of the
movement Indians and their white
friends have started to secure from
the government money which they
claim due the Indians under the
conditions of the treaties signed
with the Indians.

T. W. Billings, leader among the
Indians, is supervising the organi-
zation work in Siskiyou County.

Billings last Saturday gave a re-
port of the recent conference at San
Francisco at which he was a dele-
gate.

Rev. F. G. Collett, executive rep-
resentative of the Indian Board of
Co-operation, will be the principal
speaker at meetings to be held at
Yreka, December 16th, Hamburg
and Happy Camp, December 17th
and Cottage Grove, December 18th.

APRIL 2, 1923

U. S. BLAMED FOR NEGLECT OF INDIAN WARDS

Failure To Ratify All Treaties Charged

By Speaker

TERRA BELLA, April 1.—De-
claring that the United States gov-
ernment had been grossly neglectful
of the rights of the California In-
dians, Dr. George Wharton James,
speaking at the annual picnic of the
Tulare County Federation of Wom-
en's clubs at the Tule river reserva-
tion Tuesday, detailed how Uncle
Sam had betrayed the Indians of
this state, by failing to ratify
treaties negotiated by commission-
ers with full power to act. As a
result the Indians were crowded
from valuable Valley and foothill
lands to isolated reservations, most
of which contain a large percentage
of worthless land.

Under the terms of the treaties,
which failed of ratification because
of pressure brought to bear on the
Government by the white men,
eager for gold the Indians of Cali-
fornia were given most of the San
Joaquin valley in exchange for other
lands. Later these rights were de-
nied and the Indians lost their pos-
sessions.

Dr. James brought his address to
a climax with the statement that "if
a bill should pass Congress to re-
turn to the Indians all of the land
in the San Joaquin valley, every In-
dian would be shot by the white
men in a single day."

TULE SAID TO BE BEST

The speaker softened his remarks
by the declaration that the Tule
river reservation is by far the best
of any of the California reserva-
tions. He said, however, that he
could not understand why the white
men who planned the reservation
gave the Indians so much good land,
as this was contrary to their
usual practice. "I have said all the
Indian reservations in California,"
said Dr. James, "and for the most
part I would not accept these lands
as a gift and pay taxes on same."

The work of the Indian Board of
Cooperation, of which Dr. James is
vice president, was outlined. This
board is a private organization,
headed by David Starr Jordan and
its declared object is to "right the
wrongs that for 70 years have
rankled in the hearts of the Cali-
fornia Indians."

Dr. James, who has been interest-
ed in Indian work for many years,
and whose printed works on Indian
basketry are well known, stated
that he intends to devote the rest of
his life to the attempt to gain for
the Indians their just rights.

One of the schemes for financing
the work of the Indian Board of
Cooperation is the organizing aux-
iliaries among the Indians, who are
asked to contribute six dollars a
year for maintaining the work,
which includes the publication of a
quarterly, "The Indian Herald," the
first issue of which appeared in
January.

WOMAN ENTERTAINED

Following Dr. James' address
Mrs. William Hilger, county presi-
dent, made a brief talk. Mrs. B. F.
Butts, chairman of Indian welfare
work for the county, also spoke.

Most of the clubwomen arrived
at the reservation Tuesday before
the noon hour and were entertained
by the agent, Mr. Carter and his
wife and daughter, Miss Jo Carter.
At noon a picnic luncheon was
served, supplemented by coffee,
salads and sandwiches prepared by
Mrs. Carter.

At the close of his address to the
clubwomen, Dr. James spoke to a
number of the Indians who gath-
ered in the school house. A half
holiday had been declared by the
teacher, Miss Esther Holland, so
that the children might hear Dr.
James.

There are only 25 children in the
school at present, ranging in age
from six to 16 years.

The reservation includes some 64
thousand acres, extending to Au-
berry and the agent has about five
hundred Indians under his care.

As a result of Tuesday's meeting
the clubwomen of Tulare county are
discussing the possibility of build-
ing a small club house at the reser-
vation to be used by the Indians
for recreational and religious pur-
poses. At present they have no
place in which to meet, except the
school house.

INDIAN CHIEF, 85 IN S. F. TO FIGHT FOR OLD LANDS

Su-pa-hahn Here to Help
White Friends in Suit
Over Famed Treaties

Chief Su-pa-hahn, venerable leader of the Karok tribe of the Klamath river country, still has faith in the Great White Father at Washington.

Confidence that he and his fellow tribesmen and the 20,000 surviving Indians of California will at last win the justice which they say has been denied them for seventy years, has brought Su-pa-hahn to San Francisco for his first visit.

He did not want to come, because he is 85 years old, and is satisfied to work his little ranch north of Mount Shasta. But his white friends told him that his name was to appear in an important test case at Washington and his presence here was necessary.

The chief will be a plaintiff in a test suit in behalf of the California Indians soon to be instituted in the United States District Court of the District of Columbia by the Indian Board of Co-operation, of which Frederick G. Collett of this city, is executive representative.

The first case will deal with the Klamath National Forest, now a Federal reservation of 1008 square miles.

The Indians, in return for giving up their vast hunting grounds, were to have reserved for them 7,500,000 acres of selected land, as well as other compensation. They claim, however, to have received virtually nothing in return.

Should the Klamath National Forest test case succeed, the Indian board plans to bring other similar suits.

Big Chief to Sue



Chief Su-pa-hahn, also known as Steve Super, who is working in behalf of his fellow Indians at the age of 85.

Allen's Clipping
Press Bureau
SAN FRANCISCO, CAL.
LOS ANGELES,
PORTLAND, ORE.
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YUBA, CAL. NEWS
OCTOBER 20, 1922

ORLEANS 52

The G. F. Wilhites have moved into their new home which they have built at the end of the bridge across the Klamath. Wilhite is kept busy with his truck, back and forth from Eureka.

An interesting meeting of the Klamath Auxillary to the Indian Board of Co-operation was held in the school house, to hear Stephen Knight, an Indian from Ukiah and who was one of the delegates to Washington last year. Election of officers followed the address. The meeting was quite largely attended.

Allen's Clipping Press Bureau

SAN FRANCISCO,
LOS ANGELES,
PORTLAND ORE.
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YREKA, CAL. JOURNAL 533
DECEMBER 6, 1923

OFFICIALS ISSUE STATEMENTS IN INDIAN FUND CONTROVERSY

San Francisco—Announcement from Washington that the bureau of Indian affairs has urged California Indians to take no more cognizance of appeals for funds in behalf of a campaign for congressional action on the court of claims bill, has brought statement from Rev. Frederick G. Collett, representative, and Dr. Fisher, secretary of the Indian board of co-operation of California, and from Indians themselves.

The Washington announcements, from The Bee's correspondent there, follows:

"California Indians who have been contributing funds to private individuals in the interests of a campaign to secure congressional action on the so-called court of claims bill, are urged by the bureau of Indian affairs to take no more cognizance of such appeals.

"Officials of the bureau, who have from the beginning opposed the court of claims bill, state that the house committee on Indian affairs has agreed not to recommend the legislation.

"The advice to the Indians is the result of information the bureau has received that Rev. Frederick G. Collett, accepted representative of the Indian Board of Co-operation of California, has asked the red men for contributions.

"It is charged that Collett, in addressing gathering of Indians, intimated that if \$6 per head were subscribed the fund would be sufficient with which to continue the campaign to secure any legislation.

"It was further stated that the bureau is taking ample care of all Indians and that no attention should be paid by these wards to an appeal for funds to improve their conditions.

The status of Rev. Collett is explained by Secretary Fisher, of the board of directors of the Indian Board of Co-operation, in a statement issued here as follows:

"Rev. Dr. Collett as executive representative was authorized by the board of directors to carry on certain work and make certain expenditures of Indian funds. The board of directors derived its power to so authorize the executive representative from the constitution and by-laws of the Indian Board of Co-operation which is a duly registered California corporation operating under the laws of the state. We authorize the operations of his office with the same authority that we authorize Miss Helen Dare to act as publicity director and Dr. George Wharton James to do field organization work.

"I have been actively engaged in this work for over ten years. Many of my associates on the board have been serving for a long time and not one of us has drawn a penny of salary or expenses, and we do not expect it. The power of attorney held by Collett was authorized, but even granted it is revoked, or torn up, or in any other way disposed of, the work goes forward as we direct because we are the parent or supervising body to which the Indians have organized an auxiliary.

"We are determined not to allow outside lawyers to take these claims on a commission basis, but whatever legal action we deem wise and necessary will be done for an agreed flat fee and we engage competent counsel to do it. The treasurer's report is authentic, has been duly audited and the moneys were all expended under proper authorization and not a cent was wasted. The work will go forward with energy from this time and the Indians will have increased representation on this board. I am glad to be associated with this great work."

The following is, in part, a statement given out here following the close of the conference of the Indian Board of Co-operation of California as having been issued by Indians in attendance at the meeting in reply to the Indian Bureau's claims:

As to the statement of the Indian Bureau that the bureau is taking ample care of all Indians, the California Indians can speak only for themselves. It depends on what construction any fair-minded bystander would put on the words "ample care." The Indians have in mind Commissioner Burke's greeting to their delegation at Washington, D. C., last winter, when he called them the representatives of the

poorest Indians in the whole country."

As a matter of common knowledge and legal fact the California Indian are not wards of the government because of the government's failure to ratify the eighteen treaties its agents negotiated with them. Under those treaties the government made them certain promises in return for certain things the Indians agreed to. They were to get 7,500,000 acres for reservations and \$1,800,000 worth of aids, educational and otherwise, towards civilizing them. The Indians lived up to the conditions of the treaties, and where they refused to, or were slow about doing so those conditions were exacted of them by armed force. Therefore, the Indians cannot be and have not been by the actual facts in the case—classified as "wards."

Whatever they have received from the government, by appropriations from congress, or through the office of Indian affairs, has not been to meet emergencies, to tide them over pressing needs, and cannot in any way be considered as payment for the lands they ceded to the government, or in fulfillment of the promises made in those eighteen treaties. This, we feel, disposes of the claim that the California Indians are "amply cared for" by the office of Indian affairs."

As to our own organization of our own people—the Indian auxiliaries of the Indian Board of Cooperation with fifty-eight auxiliaries having a membership of about 8,000 Indian members.. We have in this convention of Indian delegates sent here duly elected by the auxiliaries, practically taken into our own hands the management of our own organization. We have taken into our own hands the raising and management of our funds, the prosecution of our purposes, and Rev. Frederick G. Collett is merely our official representative, paid for his services by our organization.

As to the deadness of the California Indians court of claims bill, by which our people ask congress to grant us permission to take into court our claims based on the eighteen treaties the United States government itself projected, framed and got our ancestors to sign and live up to, it still is a question in our minds whether the bill is as dead as reported, * * * or merely sleeping.

We Indians believe it is only sleeping and that at our call, and a call from the people of California, who are with us, it might wake up and become very much alive. At any rate the California Indians by their organization, are proceeding on that theory and do not intend to abandon their court of claims bill until they are absolutely certain in their own minds that it is dead enough to bury.

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

S. F. CAL. BULLETIN
NOVEMBER 14, 1922

Indians' Claims

THE squabble over the finances and the distressing personalities developed during the proceedings of the convention of California Indians must not be permitted to confuse the real issue, which is support for the bill designed to secure to the Indians the rights or the fruits of the rights guaranteed them by treaties that the Government has disregarded.

No matter what certain individuals have done or failed to do, there stand the treaties as the solemn pledges of this country to do justice to the Indians, and until that justice is done the national conscience cannot rest at ease. The people must show the politicians that the word of the United States is not to be treated as a scrap of paper.

It is not easy to understand the involved and obscure financial report of Executive Representative Frederick G. Collett. The money collected has been spent, but there is a haze when searching for exactly what was done for the Indians themselves. If it is necessary, a new executive representative might be obtained, but no criticism of the activities of any official is pertinent to the real issue of getting Congress to adopt the bill enabling the Indians of California to bring suits in the Court of Claims to recover on lands promised, but never given to them.

Allen's Clipping Press Bureau

SAN FRANCISCO.
LOS ANGELES.
PORTLAND, ORE.
CLIPPING FROM

S. F. CAL. BULLETIN
NOVEMBER 8, 1922

CALIF. INDIANS PLAN STATE CENSUS

The first complete roster of California's Indian population ever compiled will be prepared by the Indian delegates to the conference of the Indian Board of Co-Operation now in session in the Methodist Book Concern building in City Hall avenue.

This roster, which will record the exact amount of Indian blood in each Indian resident in the State, will be drafted by the full-blooded Indian delegates to the conference, and will form the official roll of the Indian auxiliaries of the Indian Board of Co-Operation.

U. S. SURVEY.

The partial surveys of the United States Government Bureau of Indian Affairs have recognized as Indians those with one sixty-fourth degree of Indian blood, and this question of mixed blood will be considered by the twenty-five Indian delegates during today's conference. Changes in the by-laws of the organization, recommended yesterday, will be decided at today's session also.

The delegates have decided upon mandamus proceedings against the authorities of Upper Lake to compel them to furnish a separate school for Indians, and an action to the State Supreme Court has been recommended. The board of supervisors at Hoopa will be asked to establish additional grades in the school that now ends at the fifth grade.

CHARGED ROAD COST.

The Indian delegates are incensed over the discovery that the Indians are to be charged for the entire cost of the road authorized by Congress between Weitchpec and Hoopa, and that the estimated cost of the road has increased from \$30,500 to \$100,000. According to Rev. F. T. Collett, executive representative of the board, the road is of far greater advantage to others than it is to Indian residents of the district, and those who will enjoy the greatest privileges are to pay nothing.

ALLEN'S
PRESS CLIPPING BUREAU

Clipping from
SAN FRANCISCO
BULLETIN
NOVEMBER 11, 1922

PROBE STARTS ON INDIAN FINANCES

52
Having voted yesterday to call for a referendum among the tribes on three questions involving the handling of Indian affairs by the Indian Board of Co-operation, the native members of the Indian auxiliaries of the board today started a minute examination of the financial report, which was challenged by the native delegates when it was submitted at the opening of the board's annual conference several days ago in the Methodist Book Concern building, and an accompanying detailed explanation of the statement.

ISSUE DELAYED.

The "running story," preparation of which was started when the Indian members questioned the financial report and withheld approval of the expenditure of the money contributed by the Indian members of the organization, was furnished the native delegates at a late hour last night, and action on the issue was therefore postponed until today.

"We are going over this report line by line," said Stephen Knight, chairman of the auxiliary conference. "We must be in a position to explain to our people just what has been done with every penny they have contributed, and we shall stay here until we have sufficient information to give them such a report."

REFERENDUM PLAN.

The most important of the resolutions voted yesterday for referendum by the tribesmen will, if it is adopted by a majority of the members, revoke the power of attorney given by the Indian auxiliaries to Dr. Frederick G. Collett, executive representative of the Indian Board of Co-operation. The second resolution refers to the members for consideration and action the action of the board of directors of the organization in approving Collett's financial statement showing that his salary of \$2400 a year is paid from the Indian funds.

In the third resolution provision is made that all questions involving expenditures of auxiliary funds shall hereafter be submitted to the members of the various auxiliaries.

ALLEN'S
SS CLIPPING BUREAU

Clipping from
OAKLAND, CAL.
POST-ENQUIRER
NOVEMBER 10, 1922

INDIANS CITE WRONGS AT MEET HERE

52
Recital of their grievances against the United States government was made today by native delegates to the convention of the Indian Board of Co-operation in the First Congregational Church, Oakland.

California Indians have fought to obtain restoration of their rights and properties, valued at \$10,000,000, for more than 70 years without success, they relate, despite promises made them in the treaties of 1851 and 1852.

When these treaties were formulated, the government agreed to set aside for the Indians some 7,500,000 acres of land then valued at \$1.25 an acre, the delegates declared.

They now ask that Congress pass the Court of Claims bill, giving them the right to go into court and have their claims examined and decided.

The Indians said they would be willing to accept whatever award the court would grant, as they did not wish to wait another 70 years before receiving anything.

L. G. Gordan, Chief Gavandowana, pleaded for full citizenship for Indians, saying that more than 17,000 had fought in the world war.

"The original owners of the country are at present denied citizenship which is granted to inferior immigrants from Europe," he declared.

A committee was appointed to petition for justice for the Indian in California.

Nov. 14, 1922.

STATE INDIANS GAIN VICTORY AT CONVENTION

Further Representation in
Conduct of Own Affairs
Secured

BUDGET PLAN ADOPTED

California Aborigines Con-
tend They Are Not Wards
of Government

The California Indian delegates, whose convention for the past ten days has delved into the finances contributed by Indians, yesterday won several decisive victories for further representation in the administration of their affairs. Formally, the convention closed last night, but the majority of the delegates will be engaged in executive conferences as committees for at least two days more.

Rev. C. R. Fisher, secretary of the Indian Board of Co-operation, announced that each of the six districts of California would be represented by one Indian upon the advisory committee, which, as previously constituted, had no Indian among its nine members.

A budget system of expenditures was adopted; the annual membership dues to be paid by Indians were reduced from \$6. to \$4; two district conventions authorized for each year; the standard of delegates to convention raised by adopting a rule that only committeemen and officers of auxiliaries should be eligible to future conventions, either district or State, and further provided that the Indians to represent the tribes upon the board of directors and the advisory board must be those who received the highest number of votes at a general election.

NOT GOVERNMENT WARDS

Replying to a statement published October 29 in Fresno and Sacramento newspapers, and credited to the Bureau of Indian Affairs, the convention adopted a pronouncement which in the recital declared:

"As a matter of common knowledge and legal fact, the California Indians are not wards of the Government, because of the Government's failure to ratify the eighteen treaties its agents negotiated with them. Under these treaties the Government made them certain promises in return for certain things the Indians agreed to. They were to get 7,500,000 acres for reservations and about \$1,800,000 worth of aid—educational and otherwise—toward civilizing them. The Indians lived up to the conditions of the treaties, and where they refused to, or were slow about doing so, these conditions were exacted of them by force. Therefore the Indians cannot be, and have not been by actual facts in the case classified as wards.

"Whatever they have received from the Government, by appropriations from Congress or through the office of Indian Affairs, has been to meet emergencies, to tide them over pressing needs, and cannot in any way be considered as payment for the lands they ceded to the Government, or in fulfillment of the promise made in these eighteen treaties. This we feel disposes of the claim that the California Indians are amply cared for by the office of Indian Affairs.

MANAGE OWN FUNDS

"As to the our organization of our own people, the Indian auxiliaries of the Indian Board of Co-operation with fifty-eight auxiliaries, having a membership of about 8000 Indians, we have in this convention of Indian delegates sent here, duly elected by the auxiliaries, practically taken into our own hands the raising and management of our own funds, the prosecution of our purposes, and Rev. F. G. Collett is merely our official representative, paid for his services by our organization."

The status of Rev. Dr. Collett is explained differently in the following statement by Rev. Dr. Fisher, secretary of the board of directors of the Indian Board of Co-Operation, who said:

"Rev. Dr. Collett, as executive representative, was authorized by the board of directors to carry on certain work and make certain expenditures of Indian funds. The board of directors derived its power to so authorize the executive representative, from the constitution and by-laws of the Indian Board of Co-Operation, which is a duly registered California corporation, operating under the laws of the State. We authorized the operations of his office with the same authority that we authorized Miss Helen Dare to act as publicity director and Dr. George Wharton James to do field organization work.

WORK FOR INDIANS

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"Whatever they have received from the Government, by appropriations from Congress or through the office of Indian Affairs, has been to meet emergencies, to tide them over pressing needs, and cannot in any way be considered as payment for the lands they ceded to the Government, or in fulfillment of the promise made in these eighteen treaties. This we feel disposes of the claim that the California Indians are amply cared for by the office of Indian Affairs.

MANAGE OWN FUNDS

"As to the our organization of our own people, the Indian auxiliaries of the Indian Board of Co-operation with fifty-eight auxiliaries, having a membership of about 8000 Indians, we have in this convention of Indian delegates sent here, duly elected by the auxiliaries, practically taken into our own hands the raising and management of our own funds, the prosecution of our purposes, and Rev. F. G. Collett is merely our official representative, paid for his services by our organization."

The status of Rev. Dr. Collett is explained differently in the following statement by Rev. Dr. Fisher, secretary of the board of directors of the Indian Board of Co-Operation, who said:

"Rev. Dr. Collett, as executive representative, was authorized by the board of directors to carry on certain work and make certain expenditures of Indian funds. The board of directors derived its power to so authorize the executive representative, from the constitution and by-laws of the Indian Board of Co-Operation, which is a duly registered California corporation, operating under the laws of the State. We authorized the operations of his office with the same authority that we authorized Miss Helen Dare to act as publicity director and Dr. George Wharton James to do field organization work.

WORK FOR INDIANS

"I have been actively engaged in this work for over ten years. Many of my associates upon the board of directors have been serving a long time and not one of us has drawn a penny of salary or expenses, and we do not expect it. My office has been the official office. The 'power of attorney' held by Collett was authorized; but, even grant that it is revoked, or torn up, or in any other way disposed of, the work goes forward as we direct, because we are the parent or supervising body to which the Indians have organized auxiliaries.

"We are determined not to allow outside lawyers to take these claims upon a commission basis, but whatever legal action we deem wise and necessary will be done for an agreed upon flat fee, and as cheaply as we can engage competent counsel to do it. The treasurer's report is authentic, has been duly audited and the moneys were all expended under proper authorization, and not one cent was wasted. The work will go forward with energy from this time and the Indians will have increased representation on this board. I am glad to be associated with this great work."

ALLEN'S
PRESS CLIPPING BUREAU

Clipping from
SAN FRANCISCO
CHRONICLE
NOVEMBER 8, 1922

INDIANS PLAN RACE ROSTER AT CONFERENCE

State Body Meeting Here to Determine Boundary of Blood Ties

"What is an Indian?"

That question, which has long baffled United States Government census takers, will be determined today by the full conference of California Indians at their meeting in the Methodist Book Concern building, No. 3 City Hall avenue.

These Indians, practically all full blooded, men and women, expect to draft a complete roll of all the Indians in the entire State, recording the exact degree of Indian blood in each. If they succeed, the roster will be the first ever prepared in the history of California, and will be the official roll of membership in the Indian Auxiliaries of the Indian Board of Co-operation.

MIXED BLOOD PROBLEM

"The United States Government Bureau of Indian Affairs has taken such surveys in parts of the State only," said Rev. Frederick G. Collett, executive representative of the board. "Such surveys have recognized as Indians those with one-sixty-fourth degree of Indian blood. It is interesting to see how the Indians themselves will treat this mixed blood problem tomorrow, and never before have they sat in council upon this question.

"In certain instances that I have observed in my twelve years' work among them, however, they decided the question upon a different basis. If a child of mixed union, no matter how remote the full Indian blood may be, has associated principally among Indians and adopted their manner of thought or life, he is more likely to be set down and classified by them as an Indian than one with a stronger strain of blood who has lived apart. I have known of an instance where this was done to the 258th degree of Indian blood.

"It is my observation that inter-marriage between whites and Indians is decreasing, although there is still a great deal. The Indians themselves are often against mixed marriages, because of the frequency with which the white father deserts the children. An Indian never deserts his offspring."

The full conference voted late yesterday upon a revision of the by-laws, which will probably become known today, as several important changes have been recommended.

Mandamus proceedings against the authorities of Upper Lake to compel them to afford a separate school for Indians, where they may advance higher in education than the fourth grade, were decided upon and it was recommended that the action be carried to the State Supreme Court. It was declared during the debate that children of Indians were barred in Lake county from obtaining a typical American education. Some twenty Indian children are affected in the district in which the test case is to be brought.

RESENT ROAD CHARGE

It was decided to petition the Board of Supervisors at Hoopa for the establishment of additional grades in the school which now goes only to the fifth grade, and also that regularly certified public school teachers be engaged. This is to be the opening of a campaign by Indians for wider grammar school education and also high school work for Indian children.

Excitement was provided in the convention yesterday by the revelation that the entire cost of the road authorized by Congress to be built between Weitchpec and Hoopa was to be charged to Indians, against whatever they now have or may acquire. Also that the estimated cost of the road had increased from \$30,500 to \$100,000.

"It is understood from our reports that the Government approved the road and charged its construction to the Indians upon the representation that they needed it to reach the railroad, the market and the county seat," said Dr. Collett.

"As a matter of fact, an existing road which the Indians always use to reach those three destinations, and always will use, is thirty-five miles shorter. While some few Indians may benefit by the new road, it is of much greater advantage to many others on its route who are not assessed a single dollar for its construction. The Indians resent this."

ALLEN'S
PRESS CLIPPING BUREAU

Clipping from

SAN FRANCISCO

CALL

NOVEMBER 7, 1922

CALIFORNIA'S INDIANS AT S. F. POWWOW ON LANDS

52
The Indians want the compensation that was promised them in 1851 for the lands that the white men appropriated. For this purpose a conference of the Indian Board of Co-Operation is being held this week at its office in the Methodist Book Concern building.

The main point at issue is the discussion of ways and means of getting through Congress the bill which gives the right to take the Indians' case before the Court of Claims. Under the present conditions Indians are not allowed a hearing in a court of law.

The Indian Board of Co-Operation was formed for the benefit of the California Indians. Dr. David Starr Jordan is its honorary president, and its list of officers and directors includes many of the prominent people of California.

LAND COMPENSATION ASKED

If the bill passes the Indians will ask compensation on their lands, which was promised by treaties in 1851. They ask a maximum of \$1.25 an acre.

They also ask for public schools on their reservations, and proper care of their sick and aged.

Dr. George Wharton James, noted author, and second vice president of the Indian Board of Co-Operation, says of the condition of the Indians:

"For seventy years they have been demanding justice from the hands of the people who took their lands away, and they have just cause for complaint against the white man and the white man's government. For fifteen years now we have been organized in this society to aid in securing the justice to which they are entitled. The last administration was in favor of the bill, but this administration is wholeheartedly against it. The secretary of the interior is quoted as saying that he will prevent, if possible, the Indians going to a court of law."

INDIANS AMONG DIRECTORS

Some of the directors on the Indian Board of Co-Operation are Indians, and a great many of the Indians from the various reservations have come to the conference.

"We must get the people of California interested," said Dr. James, "because it's a case of simple justice in which they should be interested. It won't mean paying taxes. And right now all we want is the right to ask for compensation. The Indians haven't even that, since they are not allowed to go to court.

"And we want people to realize that the Indian has other problems—problems of schooling and health. These things that are wrong must be remedied. White people are responsible. White people should see that something is done about it.

NEVER HAD CHANCE

"We are working with them instead of for them. They are highly intelligent. The only reason that they don't seem progressive is that they've never had a chance. They have been held down. Let us show you what they can do!

"If they receive compensation it will be in money, not in land. The present land holders will not be upset. Nothing will be upset. They're getting only what was promised them by a treaty made during Fillmore's presidency. Their part of the treaty was that they should give up all claims to California land. They were forced to keep their part of the treaty, but the government never gave the compensation that was promised."

San Francisco Journal
Oct. 9, 1922

CENSUS OF INDIANS TO BE COMPLETED

Statistics Will Be Classified
According to Percentage
52 of Mixed Blood

A complete census of Indians is to be taken in California, according to a decision reached yesterday by the Indian Board of Cooperation, in conference in the Methodist Book Concern building. This will be the first attempt at compiling an accurate roster, as the partial surveys of the federal Bureau of Indian Affairs classifies as Indians persons who have but a slight mixture of Indian blood in their veins. With the assistance of the members of the Indian auxiliaries of the board, the Indians of mixed descent will be classified according to their parentage of pure aboriginal blood.

The board has decided upon mandamus proceedings in the State Supreme Court to compel the officials of Upper Lake to provide a separate school for Indians. The supervisors of Hoopa will be requested to establish upper grades in the Indian school there.

Members of the board expressed indignation that Congress should charge against the Indians the entire cost of the new \$100,000 road between Weitchpec and Hoopa, as the road is said to be of greater benefit to white residents than to the Indians.

The new census will form the official roll of the Indian auxiliaries of the board of cooperation.

The ostracism of Indians will be discussed at a meeting at 8 o'clock tonight at the First Congregational Church, Post and Mason streets, where Dr. George Wharton James will speak on his collection of Indian baskets and a group of twenty-five Indians will perform tribal dances.

ALLEN'S PRESS CLIPPING BUREAU

Clipping from
SAN FRANCISCO
JOURNAL
NOVEMBER 20, 1922

INDIANS ORGANIZED FOR CLAIMS FIGHT

52
Congress Will Be Asked for
Permission to Present
Bills for Land

The new budget and by-laws prepared by the Indian auxiliaries of the Indian Board of Cooperation as announced yesterday, explains that the object of the organization, composed of nearly 8000 Indians, is to prevail upon Congress to pass a bill giving all California tribes or bands of Indians the right to present to the federal government bills for payment of indemnities they claim as original owners of the land they formerly occupied.

The by-laws provide that officers of the Indian auxiliaries shall be elected at regular annual meetings by a majority vote of the members. The treasurer must receive the dues from members and keep an accurate account; semi-annual conferences may be held by each district; money received from white friends must be used to relieve needy Indians; a budget must be prepared to provide for expenses.

ALLEN'S PRESS CLIPPING BUREAU

Clipping from
SAN FRANCISCO
BULLETIN

NOVEMBER 21, 1922

Indian Budget

55
THERE is no occasion for surprise in the announcement that the California Indians have adopted a budget providing for an expenditure of \$13,089 for the next eleven months. It represents a rate per annum substantially lower than the rate of expenditure for the last two years, but even if it provided for the same outlay it would be an improvement.

The recent storm over Indian finances was less a matter of the total spent than the seemingly freehand way in which particular expenditures were incurred. Moreover the budget fixes a limit, and with a limit fixed less may be spent. The new system is an effort in the direction of economy, efficiency and co-operation.

ALLEN'S
PRESS CLIPPING BUREAU

Clipping from
SAN FRANCISCO
EXAMINER
NOVEMBER 20, 1922

Indians Organize For Rights Drive

In order systematically to campaign for their rights and privileges from state and national governments, the Indian Auxiliaries of the Indian Board of Co-operation have prepared a budget and bylaws, which was announced yesterday.

In their bylaws the object of the organization of 8,000 Indian members is set forth to be the passage by Congress of a bill authorizing all tribes and bands of California Indians to present their claims for pay for their alleged original rights in lands once occupied by them.

Additions to the by-laws heretofore governing the organization have been made. Among the sections indicated as new are those providing that officers shall be elected at an annual meeting by a majority vote of the members. Members entitled to vote are those who have paid \$1 or more as membership dues. The treasurer shall receive the dues and keep an accurate account.

The president may appoint a special social committee; each district may hold semi-annual conferences; all moneys received from white friends are to be placed in the local auxiliary treasury to be used for temporary relief to needy Indians and other purposes upon a majority vote of all members; at each annual convention a budget is to be prepared; members eligible for delegates shall be auxiliary officers and committeemen in good standing, and their traveling and actual living expenses to be paid out of the auxiliary fund.

Sacramento, Cal. Bee
FEBRUARY 14, 1923

COURT OF CLAIMS FOR INDIANS AGAIN TO FRONT

**Effort To Be Made To Tack
Amendment On Indian Om-
nibus Bill In Committee**

By LEO A. McCLATCHY

WASHINGTON, Feb. 14.—(Bee Bureau.)—An effort to tack on an amendment to the Indian omnibus bill to authorize California Indians to go before the court of claims in support of their "lost treaties" contention will be made when the bill, which has passed the house, comes up for consideration before the senate Indian affairs committee Friday afternoon.

The amendment has been proposed by Representative Raker, whose bill in behalf of the California Indians died in committee.

S. F. CAL. EXAMINER
APRIL 3, 1923

Indians Will Sue For 75,280 Acres

Agitation for the recovery of 75,280 acres in the Klamath National forest will begin Wednesday in Sacramento before the legislature, according to the Indian Board of Co-Operation, 3 City Hall avenue, acting for Indian tribes of Northern California.

The suit, if successful, will involve the Federal Government and result in the expulsion of State agents who now control the land to which the Indians claim title under an old treaty with the Government.

Procedure against the State as an indirect means for acting against the Federal Government is undertaken because of the statute that Indians can sue the Government only after consent by Congress.

The Board of Indian Co-Operation, which includes eminent Californians, yesterday consulted with tribal representatives from all over the State.

BLUE LAKE, CAL. ADVOCATE
MARCH 24, 1923

A large group of citizens interested in Indian welfare work and representative Indian people of northern California met Saturday night at the Hotel Vance in Eureka, at a dinner and business meeting relative to bringing suit in the courts for the benefit of the Indians, who, according to many interested in their welfare, were victimized in early days through treaties in which they gave up their land but received nothing in return. Through the suit which will be instituted, it is hoped by those interested in the move to regain a portion of the value of the land and property which the Indians lost. F. G. Collett, executive representative of the Indian Board of Cooperation, was present, and gave his views of the situation. Included on the program were special Indian songs by Mrs. Gillis, a Wintoone Indian and other features of entertainment.

ALLEN'S PRESS CLIPPING BUREAU

Clipping from
SACRAMENTO, CAL.

BEE
NOVEMBER 20, 1922

BUDGET AND BY-LAWS ADOPTED BY INDIAN AUXILIARY

Expenses Of Co-operation Board And Auxiliary Officers Are Allowed

SAN FRANCISCO, Nov. 20.—A budget and by-laws prepared by the Indian auxiliary of the California Indian Board of Co-operation has been adopted and announcement made to-day by representatives of the organization.

A statement of the future aims of the Indians and their white supporters explained that it is their purpose to prevail upon congress to pass a bill giving all California tribes of Indians the right to present bills to the government for the payment of claims on land they formally occupied.

Indians Get Larger "Say."

The new by-laws provide that officers of the Indian auxiliary shall be elected at annual meetings by a majority vote of the 8,000 Indian members.

As a result of considerable confusion and some criticism as to the financing methods used heretofore by the board of co-operation a new system of accounting has been adopted and the Indians themselves will have a larger representation on the board.

The Indian auxiliary has authorized the expenditure of \$13,089.38 for Indian auxiliary work. The expenditure of \$30,583.96 of Indian funds and \$8,160.81 of white contributions has been made during the past two years and ten months. The new budget exceeds the old order of expenses, which Chief Stephen Knight of the Indian Board of Co-operation predicted would be less than \$10,000 for twelve months.

Expenses Allowed.

Expenses of \$1,017.38 are allowed out of the Indian funds as reimbursement of the delegates to the San Francisco convention, which lasted nineteen days, for meals, rooms, transportation, telephone and telegraph.

Other Large Items.

Other large items in the budget include the eleven months' salary of \$2,200 to Rev. F. G. Collett, who is retained as executive representative, \$1,540 salary to a secretary, and \$700 for extra stenographers; \$2,950 is allotted as traveling expenses for the executive representative, assistants and Indian auxiliary officers. The sum of \$1,200 is provided to pay the expenses of delegates to the next State convention, and \$950 is allowed for organizing work. For publicity \$820 is allotted. Indians engaged in traveling for auxiliary work are allotted \$1,250.

Indians To Continue Claims Court Fight

Decision Reached At Meeting Of Several Hundred In Jackson Valley; Sacramento Indian Outlines Why Bill Is Wanted; Annual Cry For Dead Also Is Held

ONE (Amador Co.), Mar. 19.—A decision to continue the fight for the passage in the next congress of the court of claims bill, permitting Indians to sue for compensation for lands held taken from them under old treaties, was reached at a meeting of several hundred Indians in Jackson Valley, near here, Saturday and yesterday.

Speakers at the meeting included A. E. Ainsworth, Indian and worker in behalf of his race, of North Sacramento; Dr. George Wharton James of the Indian Board of Cooperation, Inc., and William Fuller, Indian, who was a delegate to Washington in behalf of the bill in congress.

The annual cry for the dead, Indian ceremonial, also was a feature of the meeting.

Tells Purpose of Bill.

Ainsworth, president of the association of Indians from five counties and principal speakers of the meeting, explained that the court of claims bill is not a gift or gratuity but a measure that would give Indians the right to take their claims, based on the promises made them by the government in the treaties of 1851-1852, before a court of claims for investigation and decision.

"What we California Indians ask for is our day in court," said Ainsworth. "The claims that make our case is one based on the eighteen treaties made with us by the United States Government in 1851-1852. The United States Government sent a duly authorized federal commission to California to make these treaties with the Indians, so that the Indians would, as the language of the treaties says, 'live in peace and friendship with the whites and among themselves.'

"By these treaties the Indians promised to give up to the United States their claims to the lands they had occupied before the white man came, the lands where they had lived and fished and hunted, and to live under the laws of the United States. Instead of the wide range of land where they had lived, they were promised by the treaties and agreed to accept very much smaller reservations. Eighteen reservations were promised, in all about 7,500,000 acres, and the boundaries of each of these eighteen reservations was plainly and fully described in the treaties. Also the Indian was promised in the treaties about \$1,800,000 worth of goods and cattle that were to help them live.

"Treaties Not Kept."

"The treaties were signed by 400 chiefs and head men of the Indians. Yet not one of these treaties were ever kept and those Indians with all their priority of right, suffered and died homeless and landless. We claim that the government still

owes us a considerable amount of money, morally at least. But the government owes more than money. No amount of money can repay us Indians for the years of misery despair and death. The landless Indians should not be placed in status quo ante, but we should be given what is sometimes expressed as a white man's chance."

William Fuller, Indian delegate to Washington in behalf of the court of claims bill, told of work in behalf of the measure which failed of passage due to a crowded calendar.

He said that the Indians' court of claims bill was introduced into the senate by Senator Hiram W. Johnson of California, and into the house of representatives by Representative John E. Raker of California. Secretary of the Interior Albert B. Fall did not favor the bill.

"We do not ask the return of the lands, nor to disturb the present possessors, nor to upset the titles," said Fuller. "What we do ask is only a money compensation, based on the valuation of the land at the time the treaties were made which, the bill states, shall not exceed \$1.25 an acre.

"Fall advised that we abandon our bill and in its stead ask congress for an appropriation to provide homes for homeless Indians. We delegates considered his proposal and sent a letter with this reply to the secretary:

"'After careful consideration of your proposal we beg to advise you that we are not so much interested in the limited relief that might be obtained through gratuitous appropriations as we are in a just and final disposal of the California Indian problem. We believe that this can be done best under the provisions of the court of claims bill. We therefore have agreed to press our cause for the enactment of that bill. We have reached this decision after carefully reviewing the scanty relief heretofore granted to the California Indians in the form of gratuitous appropriations by the congress, the great stress that is now being placed on economy and the fact that it is not reasonable that this congress could in its short life conclude the work and that it would have to be resumed by another congress, which might adopt an entirely different policy.'"

California Indian Trails and Prayer Trees

By Zitkala-Sa

Big Redwoods Hold Mystery of Ancient Tribes in State

(Mrs. Gertrude Bonnin, whose Indian name, Zitkala-Sa (Red Bird), has its place in the worthwhile literature of the American Indian, is a Sioux Indian woman, one of the acknowledged intellectual leaders of her people. As a little girl, up to the age of 8 years, she was a "plains Indian," living the old, free life of the Indian in a tepee and speaking only the Sioux tongue. Her home now is at Washington, D. C., where, with her husband, Captain Bonnin, also a Sioux, she is serving her people by her interest in Indian legislation before Congress.

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As writer and lecturer Mrs. Bonnin has a nationwide reputation, having filled lecture engagements before many women's clubs at State and national conventions, and having two books before the public, her "American Indian Stories," which appeared first in the Atlantic Monthly and Harper's Magazine, and her "Old Indian Legends," used as supplementary reading in many of our public schools. It was through her efforts, at the Salt Lake City biennial of the National Federation of Women's Clubs, that the Indian section of the women's club work was formed, and through her inspiration that the sending of Red Cross nurses to the Indians was accomplished.

WORK IN CALIFORNIA.

Mrs. Bonnin has come to California at the invitation of the Indian Auxiliaries of the Indian Board of Co-Operation—giving her time without pay—to go among California Indians, talk to them of the benefits of citizenship and urge upon them the advantages of education for their children. As an Indian writing about Indians what she has to say in *The Bulletin* about California Indians is of especial interest. Her visit here is under the direction of the Indian Board of Co-Operation, the organization urging the enactment by Congress of the California Indians' Court of Claims Bill, by which they are seeking compensation for their lands, based on the unfulfilled promises made in the treaties of 1851-2.)

CHAPTER I.

Very gladly accepting an invitation extended me by our Indian people of California to visit them this summer, I heard of this ancient practice among them which I tell.

When the big trees of California were saplings, the Indian people here then were crooning soft lullabies to their black-eyed babes. The California Indian mother, ambitious for her darling's future welfare, sought out a young tree, usually a pine tree thriving upon a bare boulder. Gently bending its tender top

Zitkala-Sa
(Red Bird)
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closely to her, she grafted a very tiny, sacred token of her baby in its topmost shoot. Then, releasing the baby tree, she murmured: "In memory of my beloved child, bear this token up as you reach upward to the stars. I want my child to grow upright and strong along with you through all the seasons."

Perchance some mothers in that early day entrusted the redwood saplings also with this prayer for strength and protection. By the ancient ceremony—the sacred token imbedded in the fiber of the tree, together with the vocalized desire—the Indian prayer became a living part of the tree.

In the forests of pines and big trees stand countless prayer trees, silently bearing the sacred token placed in their keeping by Indian mothers.

A few weeks ago a party of tourists stood under some big trees and exclaimed about their height, their circumference and their reputed age. I ventured the remark: "If only we could understand the language of these big trees we might learn interesting things of the past, the experiences of ancient people now gone away to the unknown."

A kind-faced gentleman with iron-gray hair pleased me greatly with his quick reply: "We are learning. They say, 'Take off your hats.' We obey."

It was then I longed to tell some of the things the big trees in their seeming silence were fairly shouting to me, an Indian woman, but words are stubborn things. They failed to come. The conversation naturally turned into new channels while I stood mute among them. All the while the happy party bubbled over with sparkling words at the feet

of the big trees. I gazed at their topmost branches. I listened for the Indian prayers and was thrilled with the feeling that I heard them. It is needless for me to say that these trees are held sacred by our Indian people to this day.

Catastrophe it was when both the big trees and the ancient race of red men fell under the ax of a nineteenth-century invasion. Could their every wound find tongue, I am sure not only pebbles, but mountains of stone would rise up in protest. No wonder that Mother Earth shook with convulsions upon such a dire calamity befalling her children—the big prayer trees and their little brothers, the Indians.

It is an Indian belief that bad thoughts and deeds of man bring disastrous storms and earthquakes. Before we pass upon this as a superstition of untutored minds, let us recall the learned Thoreau's statement, that the greatest of all arts is to effect the quality of the day by our own acts. These ideas are akin, like peas in a pod. Truths are universal. Our discernments grow with keener vision. Truths are ever present for us to see, if we will, whether our eyes are blue, gray or black.

After those cruel and stormy days we have again a comparative quiet. New laws have sprung up in the tracks of the destroyers to protect, at least, our big trees. When will our hearing become sensitive enough to catch the Indian mother's prayer wafted broadcast by the ancient trees of our American forests?

It might be well for Americans who go to Egypt to see the sphinx to remember that in America we have a living sphinx in the red man. Our American

Murmur of Winds in Tall Tree Top Tells Mother's Prayer

Indians are descendants from one of the oldest races on the face of the earth. The Indian is older than the sphinx. Through untold centuries the Indian people brought upon their trails many treasures. Notable among them is a little grass from which they developed corn. The red man's gift to civilized man is what the civilized world calls "Indian corn."

There is a story retold by Dr. Gilmore of North Dakota of an Indian woman gathering corn in her small field. When she started to go, she heard a voice cry out to her, "Oh, do not leave me behind. Take me home with you!" Puzzled to know who was talking to her, she looked about. The voice sounded like a child's. Seeing no one, she started away. Again came the piteous cry, "Please don't leave me behind. Take me with you." The sound seemed to come from among the cornstalks. So she began her search and there found a little nubbin. She picked it up and carried it with the other arm. There were no more cries heard in the harvest field. Indians are appreciative of food given them by Mother Earth and were always careful not to be wasteful.

Every step I take on old Indian trails I feel I am treading on ground made sacred by those who have preceded me. Loving my race as I do, it is difficult to understand why they fared so badly under the foremost democratic government of the world. I used to wonder if it could be the pigment of the skin that was our offense. Yet, in nature, flowers of every hue abound. Sin could not be in color. When I began perusing the papers I was amazed at the crimes committed in large cities, brother against brother. Scarce could I believe the pale-faces were killing one another, too. From this I reasoned it was not the Indian's dark skin that had brought on his unspeakable sorrows at the hands of heartless men, money crazed.

According to what might be called Indian psychology, the recent World War, now closed, was a monumental attempt at suicide by the Caucasian race. Our Indian philosophy forbids suicide. It grieved me that in the past my people were ruthlessly slaughtered in the white man's quest for gold. It grieved me no less that the white man's greed for gold, for world power, now turned death-dealing bombs and gases upon himself. So much did I admire the white man's artistic talents and mechanical genius it was sad, indeed, to see his powers misused for self-destruction.

To an Indian life is a profound mystery. It is too sacred for us to extinguish it wantonly in ourselves or in others.

Again I reiterate, truths and laws of life are universal. They may be seen by those who have eyes to see. The American Indian is far from being blind.

The very next time you spend your vacation among the redwoods or climb old Indian trails in the Yosemite valley, take your radio set and "listen in" on the life of the American Indian, past and present. "Live and let live."

(Continued tomorrow.)

California Indian Trails and Prayer Trees

By Zitkala-Sa

S.F. Bulletin - Sept. 15, 1922.

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lecturer.



closely to her, she grafted a very tiny, sacred token of her baby in its topmost shoot. Then, releasing the baby tree, she murmured: "In memory of my beloved child, bear this token up as you reach upward to the stars. I want my child to grow upright and strong along with you through all the seasons."

Perchance some mothers in that early day entrusted the redwood saplings also with this prayer for strength and protection. By the ancient ceremony—the sacred token imbedded in the fiber of the tree, together with the vocalized desire—the Indian prayer became a living part of the tree.

In the forests of pines and big trees stand countless prayer trees, silently bearing the sacred token placed in their keeping by Indian mothers.

A few weeks ago a party of tourists stood under some big trees and exclaimed about their height, their circumference and their reputed age. I ventured the remark: "If only we could understand the language of these big trees we might learn interesting things of the past, the experiences of ancient people now gone away to the unknown."

A kind-faced gentleman with iron-gray hair pleased me greatly with his quick reply: "We are learning. They say, 'Take off your hats.' We obey."

It was then I longed to tell some of the things the big trees in their seeming silence were fairly shouting to me, an Indian woman, but words are stubborn things. They failed to come. The conversation naturally turned into new channels while I stood mute among them. All the while the happy party bubbled over with sparkling words at the feet

of the big trees. I gazed at their topmost branches. I listened for the Indian prayers and was thrilled with the feeling that I heard them. It is needless for me to say that these trees are held sacred by our Indian people to this day.

Catastrophe it was when both the big trees and the ancient race of red men fell under the ax of a nineteenth-century invasion. Could their every wound find tongue, I am sure not only pebbles, but mountains of stone would rise up in protest. No wonder that Mother Earth shook with convulsions upon such a dire calamity befalling her children—the big prayer trees and their little brothers, the Indians.

It is an Indian belief that bad thoughts and deeds of man bring disastrous storms and earthquakes. Before we pass upon this as a superstition of untutored minds, let us recall the learned Thoreau's statement that the greatest of all arts is to effect the quality of the day by our own acts. These ideas are akin, like peas in a pod. Truths are universal. Our discernments grow with keener vision. Truths are ever present for us to see, if we will, whether our eyes are blue, gray or black.

After those cruel and stormy days we have again a comparative quiet. New laws have sprung up in the tracks of the destroyers to protect, at least, our big trees. When will our hearing become sensitive enough to catch the Indian mother's prayer wafted broadcast by the ancient trees of our American forests?

It might be well for Americans who go to Egypt to see the sphinx to remember that in America we have a living sphinx in the red man. Our American

Murmur of Winds in Tall Tree Top Tells Mother's Prayer

Indians are descendants from one of the oldest races on the face of the earth. The Indian is older than the sphinx. Through untold centuries the Indian people brought upon their trails many treasures. Notable among them is a little grass from which they developed corn. The red man's gift to civilized man is what the civilized world calls "Indian corn."

There is a story retold by Dr. Gilmore of North Dakota of an Indian woman gathering corn in her small field. When she started to go, she heard a voice cry out to her, "Oh, do not leave me behind. Take me home with you!" Puzzled to know who was talking to her, she looked about. The voice sounded like a child's. Seeing no one, she started away. Again came the piteous cry, "Please don't leave me behind. Take me with you." The sound seemed to come from among the cornstalks. So she began her search and there found a little nubbin. She picked it up and carried it with the other arm. There were more cries heard in the harvest field. Indians are appreciative of food given them by Mother Earth and were always careful not to be wasteful.

Every step I take on old Indian trails I feel I am treading on ground made sacred by those who have preceded me. Loving my race as I do, it is difficult to understand why they fared so badly under the foremost democratic government of the world. I used to wonder if it could be the pigment of the skin that was our offense. Yet, in nature, flowers of every hue abound. Sin could not be in color. When I began perusing the papers I was amazed at the crimes committed in large cities, brother against brother. Scarce could I believe the pale-faces were killing one another, too. From this I reasoned it was not the Indian's dark skin that had brought on his unspeakable sorrows at the hands of heartless men, money crazed.

According to what might be called Indian psychology, the recent World War, now closed, was a monumental attempt at suicide by the Caucasian race. Our Indian philosophy forbids suicide. It grieved me that in the past my people were ruthlessly slaughtered in the white man's quest for gold. It grieved me no less that the white man's greed for gold, for world power, now turned death-dealing bombs and gases upon himself. So much did I admire the white man's artistic talents and mechanical genius it was sad, indeed, to see his powers misused for self-destruction.

To an Indian life is a profound mystery. It is too sacred for us to extinguish it wantonly in ourselves or in others.

Again I reiterate, truths and laws of life are universal. They may be seen by those who have eyes to see. The American Indian is far from being blind.

The very next time you spend your vacation among the redwoods or climb old Indian trails in the Yosemite valley, take your radio set and "listen in" on the life of the American Indian, past and present. "Live and let live."

(Continued tomorrow.)

Lost Treaties of the California Indians

By Zitkala-Sa

Senate Hides Pacts of 1851-52 Granting Indians' Rights

CHAPTER II.

Imagine the pride of those fond California Indian mothers whose prayers for their babes were placed in the redwood forests, when their children did grow up straight and strong through all the seasons. This was the fulfillment of their heart's desire. It was a proud day, indeed, when a California Indian mother's son, grown tall, walked among his people carrying a quiver made of a bear-cub skin.

This was the great badge of bravery and prowess among the California Indians in those days of yore. Bear-cub skins were costly. It was the fearless man with a trained eye and daring heart who, together with another hunter, sought out a grizzly bear and challenged her to a duel without guns for her cubs. It was a dangerous feat. While the infuriated grizzly stood upon her haunches, angrily parrying from her face the threatening thrusts of her bold antagonist, the second man seized the cubs and made away with them.

Then followed a duel to the death between the grizzly bear and the Indian. Occasionally the Indian lost the fight and paid for the adventure with his life. Bear-cub skin quivers were, therefore, a badge of a daring and successful fighter. No wonder that the mother's breast filled with pride at sight of her grown-up son walking among the multitude carrying a quiver made of the grizzly bear-cub skin.

Thoroughly trained in self-control, unerring aim, and dauntless daring, dueling with the grizzlies, the California Indians were not at all disposed to use their powers warring against human beings. They were a friendly people, preferring to live in peace with their fellow beings wherever possible. Every autumn they had their white bear-skin dance, when tribal difficulties were settled by arbitration. The dance was a celebration of their amicable disposal of old grievances.

These and other practices among them demonstrated their great spiritual poise. By these celebrations they varied the routine of daily fishing, hunting, drying of fruits and gathering into stores quantities of acorns. They were happy people, well fed by nature's lavish supplies spread throughout the State now known as California.

Then one day came white men with hearts inflamed by greed.



Suddenly the happy Indian people were threatened with extermination. It was more than seventy years ago when United States soldiers came as messengers to California Indian villages. These men in uniforms and brass buttons brought a most cordial and pressing invitation to the Indian people, asking them to meet the Federal Commission sent from Washington, D. C., to treat with them for their wonderlands.

At the time and place named 400 California Indian chiefs and head men assembled. They were well received and generously feasted. The Indian guests were entertained by the Federal Commission; long were the discussions of the treaties they had drawn up, and now offered for the Indians' signatures. For the promise of moneys, subsistence, clothing supplies and educational advantages, vast territories were ceded to the government; to the California Indians and their descendants 7,500,000 acres of land with clearly described boundaries were reserved "for ever and ever."

Four hundred chiefs and head men representing some 210,000 California Indian people signed with thumb mark and cross the eighteen treaties of 1851 and 1852.

This was at the time of the gold rush in California, which brought hither fortune hunters from every clime. The Indians who signed the treaties particularly asked the Federal Commission how their rights were to be respected by the eager seekers of land and gold. They were presented with copies of the treaties, and told to show these government papers to any white man trespassing upon their lands; that the white men seeing these documents would leave them in peace. The wise men erred in their assumption that bits of paper would be sufficient to safeguard the Indians' rights from invasion. The Federal Commission returned with the treaties to the nation's seat of government. They vanished from the life of the California Indians like the passing of a momentary mirage.

Covenant Made With Tribes Burned By White Raiders

Hordes of lawless gold seekers poured into the undeveloped country. Overnight, like mushrooms, thousands of men carrying guns and picks invaded Indian villages. An old chief, one of the signers of the treaties, tried to protect his people according to the instruction of the Federal Commission. With the great papers in his hand he ran out to meet the raiding party of white men who marched into his village, and offered his precious copy of the newly-signed treaties to the leader of the gang. With an oath more vicious than the grizzly bear's growl the white man snatched the papers from the chieftain's hand, glanced at them, then struck a match to them. He hurled the burning scraps of paper against an Indian house, from which started a fire that burned the whole village.

Atrocities of the paleface against the California Indian increased year after year. Lest the Indian people in their extremity might seek to defend their homes and children with arms, so it seemed, a law was passed forbidding the sale of guns or ammunition to any Indian. Betrayed, defenseless, and with their proud hearts breaking, the California Indians became a people "without a country."

A gold mania made white men mad till they forgot their ancestors had fled to America as a refuge from European oppressions and butcheries. In the delirium of the gold fever, white men forgot the human rights of the California Indians. Under the pretext of protecting the white men's interests, they forgot to extend the same American protection to the first Californians. By order of an executive session the United States Senate filed in its archives, to be kept secret fifty years, the California Indian treaties of 1851 and 1852, which a Federal Commission had labored to secure. Thereafter they were called the "Lost Treaties." The signers of those treaties, with their people, were driven from their ancestral homes into holes in rocks of the mountains for shelter. The anguish of my Indian people neither pen nor tongue can tell.

(Continued Monday.)

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(Continued Monday.)

Baron Suggests New

The California Indians Of Today

By Zitkala-Sa

Californians Urged To Help Tribes Get Justice

CHAPTER III.

The California Indians dwindled from 210,000 to 20,000 during the siege of seventy cruel winters, repeated evictions and the spread of the white man's diseases among them. They were unable to get away fast enough to escape deadly epidemics.

In those dark days of terror and desolation there occasionally appeared splendid men and women of the white people who individually befriended my people. Their compassion shines out brightly against that long night of sorrows. All praise be theirs.

A few years ago the fifty years' secrecy of the "Lost Treaties" expired. Those governmental papers have been found. Will the present-day citizen strike a match to them as did the lawless ruffian of the raiding party? Let it not be so. Our national honor is at stake. Time is growing short in which we may redeem the fair name of our government. The people are the government. The Indians of California are greatly diminished in numbers, year after year dying broken-hearted.

Today a small remnant of a noble race are bravely struggling for existence. They search the country far and wide for seasonal work, from which they earn a scant living. Those who are crippled, blind or sick cannot work. They are starving. They die untimely deaths for lack of proper medical care. Their sorrowing relatives are unable to give them adequate relief.

To whom shall the Indians go for succor if not to our beloved America? By a test case in 1917 the State Supreme Court's decision established the citizenship of the California Indians.

Educational advantages of the public schools will equip them to



earn a more comfortable living. Liberal education in American schools will be vital to their future success and happiness as American citizens.

"Could the California Indians keep up with American people if given a chance?" someone asked me. It is my belief they can, if given educational opportunities, and if at all disposed to keep up with the "Joneses." Masses of men speak through the telephone, but it was a genius who first invented it. The educated Indians

may install modern conveniences in their homes if they wish to spend their earnings in that way. It will not be difficult for them to equal the average American, under like environments.

During my visit to Lake county, a few days ago, I found a hundred or more of my people camped under a grove of trees near a very large bean field.

Indian parents, with their boys and girls, and gray-haired grandfathers and grandmothers worked together picking beans.

Number Drops From 210,000 to 20,000 In 70 Years

They told me others were working in hop fields and in fruit-gathering. The Indian people are trying to make the most of the harvest season. After the winter sets in, remunerative occupation will be very scarce. They will return to their humble little dwellings on barren rancherias, there to wait till opening spring offers work again.

Their wages are low and only the utmost economy saves enough money to carry them through the winter. Some less successful suffer for food and warm clothing before springtime returns.

Indian children sometimes are kept out of schools for the lack of shoes and suitable clothing requisite for their admittance.

It goes without saying that a people too poor to buy sufficient food or clothing cannot pay for medical aid for their sick.

I hope I have not unduly worried county officials with this long enumeration of the needs of our Indian people, to make life more livable for them. It certainly will require money to extend public welfare work to the Indians of California. I would suggest that all Californians support the favorable passage of the jurisdictional bill now pending in Congress whereby the claims of the California Indians against the Federal Government may be adjudicated at an early date.

Then there will be no need to send destitute Indians to the alms houses, nor will there be need to make them objects of charity when an equitable settlement is made with our California Indians for lands taken from them without remuneration or conquest.

Before we may bestow charity we must first be just.

(THE END.)

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California Indian Welfare

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California Indian Welfare: Clippings

Congressional Record

SEVENTIETH CONGRESS, SECOND SESSION

Conditions of Indians in the United States

REMARKS

OF

HON. W. B. PINE

OF OKLAHOMA

IN THE SENATE OF THE UNITED STATES

Saturday, January 26, 1929

ARTICLE IN THE CURRENT ISSUE OF GOOD HOUSEKEEPING,
BY VERA L. CONNOLLY

Mr. PINE. Mr. President, I ask unanimous consent to have printed in the RECORD an article in the current issue of Good Housekeeping. This article is written by Vera L. Connolly, and is entitled "The Cry of a Broken People." It contains information regarding the treatment received by the Indian wards of the Government.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is here printed, as follows:

THE CRY OF A BROKEN PEOPLE—A STORY OF INJUSTICE AND CRUELTY
THAT IS AS TERRIBLE AS IT IS TRUE

(By Vera L. Connolly)

(On, and ever on! That has been the story of the Indian ever since the white man began to covet his lands. To-day, when he can be driven no farther, he is oppressed, mistreated, robbed, starved. Shall we allow this injustice to continue until the Indian is gone forever? The answer is with us.)

The solemnity of that roomful! Never shall I forget it!

It was in the Indian pueblo of Taos, N. Mex., in July, 1928. A council of grave import was being held for us by the headmen of the tribe.

All around the bare, whitewashed walls ran a narrow seat. On this we sat, tense and waiting, a few palefaces in a long line of silent, dignified Indian men.

In a corner by the fireplace stood a table with a small lamp. Beside this sat the Indian "governor" of the pueblo—a man of majestic stillness, with a hawk face and quietly folded arms. He wore a shirt of faded red that glowed softly in the lamplight. His hair hung forward over his shoulders in two braids twisted with colored strands. Near him, crouching on the floor, respectful, silent, was the Indian interpreter.

In a rear room huddled the women and young girls. They had greeted us when we arrived with the gracious gestures of an ancient race. Then, soft voiced, charming in their vivid shawls, they had quietly withdrawn. The council is not for Indian women.

The room after that had commenced rapidly to fill with sober-faced Indian men. Like Arabs they had come slipping in, swathed in their white cotton blankets, and had taken their seats solemnly around the wall. Now every inch of the encircling seat was occupied. And the doorway was filled with shrouded figures, beyond whom, on the moonlit desert without, we could faintly discern a throng of other still forms.

The seated men had thrown off their white blankets, and the room glowed with the soft colors of their shirts—faded blue, sage green, pale vermillion. Some wore turquoise earrings and a few had about their necks strings of old Indian jewelry—wampum, coral, and silver beads—in some cases the owner's sole wealth. For though self-supporting and of regal dignity, these were poor Indians.

Presently the governor raised his hand. The council began.

He first addressed the Indians, speaking in the native tongue. He told them that we, their white visitors, had heard in New York City that all was not well with the Indian people, wards of our Nation. We had come out to the West to learn if these rumors of misery and injustice were true.

When he had finished speaking the interpreter repeated the words to us in English. And again a sober silence fell. Outside on the moonlit rooftops an Indian drum sounded softly, and then a low, minor chanting began and drifted in at the doorway.

Suddenly, one by one, the Indians commenced to speak. They spoke heatedly, rapidly, with gestures. Yet their passion was so restrained

that no voice ever rose above a tense monotone. Each addressed the governor, who in turn asked the interpreter to translate for us.

It was a passionate plea for just one thing—better treatment of Indian children in the Government boarding schools. The other wrongs the race may have suffered in the past at our hands—loss of lands, water rights, and personal freedom—obviously signified nothing in their eyes compared to the sufferings of the 27,000 Indian children in the Government boarding schools to-day.

These children, it was explained to us, are taken forcibly from their mothers' arms, as early as 6 years of age in some Indian communities, and sent away to distant boarding schools to stay till 18. There they are underfed, roughly treated, and required to work half of every day at hard industrial labor in the fields or in the laundry, in addition to the half day of school.

It was a story of frightened, lonely, hungry, exhausted childhood they told. Of children poorly housed in crowded dormitories, with so little protection against disease that infections rage through the schools. Of children cruelly overworked. Of children so underfed that they snatch like famished little animals at plates of bread. Of children struck and thrown into the school "jails" for infringement of minor rules.

And these statements coincided with the rumors that has caused the editor of Good Housekeeping to send me West, to the Indians themselves, to ascertain the facts.

The governor told of visiting one of these schools himself in May, 1928, and finding the food not only insufficient in quantity but of the wrong kind for growing children forced to do hard work.

THE CHILDREN ARE HUNGRY

Another Indian, Alvino Lujan, described his visit to the Santa Fe School in 1928.

"I sat down to supper with the little boys," he said, "and when the bread arrived the boys grabbed all of it, yet were still hungry. No more was served them. I asked for some bread for myself and was given two thin slices. But when it came the little boy beside me kept staring so at my bread—he was so pitiful—I turned my head away. When I looked around again my bread was gone.

"At breakfast the same thing happened. The boys snatched the bread as though half starved. I went to San Ildefonso pueblo and asked some bread from the Indians and took it to the hungry boys at the school. All this is wrong! Those children work very hard! The night I slept there one boy was awakened at midnight to go out and work on some machinery."

A third Indian—Juan Archuleta—declared that the main meal at noon, when he visited the Santa Fe School in 1927, consisted of "gravy, a kind of tea just like water, and some bread and sirup." And "the boys did not have enough of this," he added. "They left the table hungry."

Antonio Mirabal, the interpreter—a man with a fine, thoughtful face—told with quiet compassion of his visit to the Albuquerque School in March, 1927. "Breakfast was oat meal with sirup, bread and coffee. The boys rushed for it. There was not nearly enough. So I ate nothing. I wanted them to have it all."

When the men had finally ceased speaking, some of the boys, home on vacation, told timidly of their treatment in the schools. Again it was a tale of loneliness, overwork, undernourishment, and brutal discipline. How tragic, thought the writer, for this cruelty to be inflicted on the boys and girls of a race noted for its love of children! One may wander all day about an Indian pueblo, up and down the ladders, in and out of the quaint, many-storied house, and never see a child struck or hear a harsh word spoken to it. Indian women, if one of their number scolds a child, derisively call her "white woman." Firm discipline of childhood, yes. That is to be found in the Indian household. But it is not the rule of fist and boot.

"The disciplinarian closed the door," said Fernando Romero, a school-boy, in describing the punishment meted to him at the Santa Fe boarding school, because of a misunderstanding over the washing of some shirts, "and grabbed hold of my neck and tried to choke me. Then he struck my mouth, and it began to bleed. Then he grabbed me again and knocked my head against the door and told me to go back to work. I couldn't eat for two days, my mouth was so swollen."

Other boys told of the cruel jails at the schools; of little boys of 12 forced to dig ditches and do other work too hard for them; of boys hit in the face for coming late to work; of the terrible food—usually oatmeal, sirup, bread, and coffee for breakfast; gravy and bread, potatoes

and tea for dinner; and beans and bread and tea for supper. And never, never enough!

Leaving the council room, the writer slipped back for a word with the shy girls in the rear part of the house. They told a similar story, describing the long, exhausting hours in sewing room and laundry before the school day began. Girls were roughly punished, too; sometimes struck; sometimes made to kneel on the floor in the hall all night for being late to work.

Several girls had tubercular coughs.

"They never sick till they go away to boarding school," said a woman, with quiet despair, in broken English.

I recalled then some of the statements in the official reports I had recently seen—that the Indian boarding schools are overcrowded, unsanitary, and foul with two diseases—tuberculosis, a gift of the white race to the Indian people, and trachoma, an eye disease closely connected with malnutrition.

I had read that often healthy children were brought to these schools and, after being subjected to years of hunger, unkindness, overwork, and infection, sent home dying of tuberculosis or half blind with trachoma to infect their helpless families and communities.

Could these things be? In the United States of America?

THEIR HOPE IS IN US

I returned to the council room. The meeting was over, and we departed, promising to tell white Americans—parents themselves—what the Indian child is suffering in the boarding schools, and promising to make a plea that day schools on the reservations be substituted for these distant boarding schools.

When we passed out the door the white-robed, Arapaho forms fell back respectfully, and we walked between them across the plaza, upon which the centuries-old houses look down, to our waiting automobile.

As we drove away over the moonlit desert plateau we looked back at the Sacred Mountain, with ancient Taos pueblo crouching at its foot. From the roof tops there still reached us faintly the chanting of the singers. It was buoyant, confident singing! It was a song of good hope, explained one who was with us—a hope that the council meeting had not been in vain.

In the weeks that followed, the writer of this article visited many groups of Indians, not only in New Mexico but in Arizona, Colorado, Oregon, Washington, and Wisconsin. In all these States and in California, she also studied every official report she was able to obtain. Besides, she interviewed prominent white men and women who for years have been quietly battling for the Indian people.

Partly as a result of her own fleeting observations, but chiefly through her interviews and study of authentic reports, among them the one submitted a year ago by the Institute for Government Research after a 15 months' investigation made at the request of the Secretary of the Interior, the writer found abundant verification of all that had been claimed in the Taos Council regarding the boarding schools. And she also discovered that this wrong being done the Indian people is but one of many!

Gaunt poverty is apparent on almost all reservations to-day. And so is hunger. And so is contagious disease. And so is complete subjugation of person and property. Although all Indians to-day are citizens, made such in recognition of their voluntary service during the World War, the Indian Bureau, which for 70 years has had despotic control over the Indians, pronounces 225,000 of them "incompetent." This Bureau regards its acts as not subject to court review.

To quote from Congressman JAMES A. FREAR, of Wisconsin, in a recent issue of Plain Talk:

"The Indian Bureau holds itself above the law, and in the disposition of property belonging to 'incompetent' Indians considers that its acts are not reviewable by the courts. This arbitrary stand makes it impossible for the 225,000 'incompetent' Indians to prevent the wholesale wasting of their property. More than \$90,000,000 in cash and securities and more than \$1,800,000,000 in land and personal property belonging to Indians are under the exclusive control of the Indian Bureau, while the owners of the property are denied any voice in its disposal and often refused any share of the proceeds. As an inevitable consequence, the property of the Indians has literally been looted to the extent of millions of dollars."

SLAVERY STILL EXISTS

The American Indian can not sell his own lands. He can not worship in his own way. He can not rear his own children. If he leaves the reservation without permission, he can be tried by a "judge" appointed by the agent and thrown into jail for any length term in ball and chain. For him there is no jury trial unless he has been specifically charged with one of eight major crimes named in Federal law; in the latter case he may demand and get trial in the Federal courts, though the bureau controls his money for hiring attorneys and his choice of attorneys. For all other cases, for crimes and misdemeanors named or unnamed in law, or for simple disagreements with bureau officials the Indian may be and is arrested without warrant, imprisoned without (a) trial in any court of record; (b) advice of counsel; (c) right to be confronted by accuser or to compel attendance of witnesses; or (d) any right of court review. The Indian agent carries out the

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whole process—or an "Indian judge" appointed by the agent and paid \$11 a month carries it out. There is no limit in any law of Congress to the amount of fine or length of imprisonment.

Virtual slaves, in a land where slavery was abolished years ago, victims of horrible diseases the whites have brought but will not bother to cure, deprived of the children they have borne, hungry and in despair, thousands of our Indian citizens present a spectacle that touches the heart.

"If Harriet Beecher Stowe were here," said Congressman FREAR before a Senate committee, on his return from a 4,500-mile trip at his own expense to 20 reservations, "she could write a story far worse than anything that ever appeared in Uncle Tom's Cabin."

The writer of this article found that the information she was obtaining was of three sorts—personal wrongs, maladministration of property, and suggestions as to a solution of the Indian problem. She has, therefore, prepared three articles, one devoted to each of these phases.

This first article will deal with the personal wrongs.

The maltreatment of the Indian child has already been touched upon, and will be referred to again later in this article.

Next, there is the dire poverty of the Indians. For most of them are poor, bitterly poor. A few tribes have discovered oil on their arid lands, and the sudden wealth of these has created the public impression that all Indians to-day are prospering. This is a mistake. Most of them are extremely poor. Some are starving.

Next to the threat of starvation, our greatest crime against the Indians to-day is our gross neglect of their health. This is of tragic importance. Not only is a lovable, picturesque race dying of contagious diseases we have bestowed on it—the Indian death rate increased 62 per cent from 1921 through 1925—but in dying the Indians are unconsciously wreaking on us, their white conquerors, a grim revenge for our century and a half of cruelty and neglect. For to-day many Indian settlements threaten to become dangerous sources of infection from which contagious diseases will spread to the surrounding white communities.

Such is the sober warning sounded in the institute report. It is the statement of all recent investigators. And it is my earnest warning, fleeting as were my glimpses, in six States of Indian life.

At Walpi, an ancient sky town of crazy, picturesque stone houses flung up in wild beauty against the heavens atop a mesa, or rock island, rising sheer from the Arizona desert, I saw a gifted people so afflicted with a virulent skin disease (impetigo) that some faces were literally covered with scabs. It is here that the famous snake dance is held, to which tourists flock from all over the world. The danger to the white race is obvious. And so is the needlessness of the situation. We are told in the Reference Handbook of the Medical Sciences that treatment of impetigo is simple and effective. It consists of "removal of the crusts by soaking in olive oil . . . after which an application of a 5 to 10 per cent ointment of ammoniated mercury completes the healing in a few days." Why were those Indians not receiving this treatment?

At Zuni, in the home of the pueblos' governor, while I listened to a story of contaminated drinking water, dysentery, and a reservation doctor who would not pay visits to sick Indians, I saw a young mother anxiously looking down into the face of the terribly sick baby in her arms. The child was covered with a scabby disease.

At Hotavilla, an Indian pueblo on the Arizona desert, I stopped to witness a ceremonial dance in the plaza. It was a colorful scene. The partly naked men dancers were painted and hung with green sprigs and animal skins; their heads were encased in grotesque masks; they carried gourd rattles which they shook as they danced. On the roof tops sat the Indian women, one blaze of color in mantas, kerchiefs, and shawls. And thronging the narrow street were white tourists under vivid parasols. Yet within 10 feet of me, in that crowd of Indians, I observed four women and five children in advanced stages of trachoma. This village is a favorite haunt of tourists.

TUBERCULOSIS RAGES UNCHECKED

As for tuberculosis—it was appallingly in evidence in all Indian settlements I visited, especially on the Bad River Indian Reservation in Wisconsin. Even on the blazing Arizona desert it seemed to me to be raging. Figures prove that my impression was correct, as the tuberculosis death rate among Arizona Indians is seventeen times the general rate for the country as a whole. This is partly due to the children returning from the boarding schools infected and giving tuberculosis to the adults.

Statistics show that the medical service provided by the Indian Bureau is hopelessly inadequate in virtually all Indian communities. In some settlements there is none at all. As a result 21 per cent of the Indians, or more than 80,000, have trachoma. And the average Indian death rate in the country as a whole is two and one-fourth times that of the general population.

At Pine Ridge, S. Dak., an investigator recently discovered two physicians serving 7,800 Indians scattered over 2,400 square miles. In the western Navajo jurisdiction one serves 8,000 Indians scattered over 5,000 square miles. At Soboba, in southern California, Dr. Allan F. Gillman, who was making a survey for the State board of health, found

one doctor serving 1,500 Indians, his territory extending 100 miles to the east of the hospital and 25 miles to the west and south. Doctor Gillman had previously surveyed conditions in northeastern California. He offered the following conclusions regarding the California Indians:

"1. That the ill treatment of the Indians during the past 70 years has resulted in reducing the population from over 100,000 to about 17,300. . . .

"2. That the Indians are now living a hand-to-mouth existence.

"(a) In houses not fit to live in.

"(b) Upon land that is useless.

"(c) Without water.

"3. That they are not receiving an education worthy of the name.

"4. That a great deal of sickness exists among them and they are receiving absolutely no care.

"5. That they are not receiving any advice, assistance, or encouragement in their business dealings with the outside world or in the personal side of their lives or in the lives and health of their families."

At Odanah, Wis., on the Bad River Reservation, the writer talked to a number of Chippewa Indians and to two white missionaries. All declared health conditions on the reservation unspeakably bad.

"According to Government statistics," said W. H. Thompson, the Methodist missionary, "over 60 per cent on this reservation have venereal disease. Tuberculosis is rife here as well. I've been here four years, and 80 per cent of my funerals have been over tuberculosis victims. No effort is made to check these diseases. We have no doctor. We have no hospital. Conditions are pitiable!"

And Rev. E. P. Wheeler, a noted missionary and lifelong friend of the Chippewas, had this to say of the Bad River Reservation:

"Things are seriously, horribly wrong here. The reservation seems wide open to liquor and prostitution. Venereal disease is rampant."

MEDICAL SERVICE IS IMPERATIVE

Sometimes it is claimed that a good medical service would be wasted on the Indians, that they would not make use of it. Congressman FREAR quotes as follows Dr. Frances Sage Bradley, director of the State Division of Child Welfare, Montana. She is speaking of the Blackfeet Indians:

"Pathetic and hopeless is the physical condition of young children and the eagerness of the mothers for help. We have held what we call children's conferences on various reservations, and men and women have sledged their children 35 and 40 miles in snow on a level with their roofs, with the thermometer 14 below zero, to find out how to cure rickets, trachoma, tuberculosis . . . I want to state that nothing but a prompt, vigorous, baby-saving campaign can prevent the extermination of the Blackfeet."

If we wonder at this high mortality rate among the Blackfeet, perhaps we can find the explanation of it in the testimony given in 1927 before the Senate Indian Affairs Committee by William Madison, who had just returned from the Fort Peck, Blackfeet, and Flathead Reservations in Montana.

He tells of old Indians living in tents in the bitter cold, with no food but the flesh of horses found on the town dump or killed by passing trains. He describes one old woman who was refused food and help by the agent, the latter telling her to drown out gophers for meat to eat. He cites the case of a woman whose child died eight days after birth, and who, while the child was still in the coffin, and with the thermometer at 30° below zero, was ordered with her husband to vacate the house, the exposure making her a hopeless invalid.

Hunger! Sickness! Maltreatment! They are to be found, apparently, in some form, from the Canadian border to the Pima Reservation in Arizona!

At Riverside, Calif., the writer interviewed the gallant, silver-haired white woman, Mrs. Stella M. Atwood, who is gratefully called "mother" to-day by Indians all over the United States. It was Mrs. Atwood who, in 1921, at the Salt Lake convention of the General Federation of Women's Clubs, informed the club women of America of the tragic plight of the Indian people. She was assisted in her plea by Mrs. Gertrude Bonnin, a beautiful and cultivated Indian woman. And so eloquently did the two plead that there was created the Indian welfare division of the general federation, with Mrs. Atwood at its head.

The torch Mrs. Atwood lighted was caught up by John Collier, already a student of the subject and a publicist, and thrust up before the public gaze. For over seven years these two pioneers have fought—Mrs. Atwood with the club women of America as a mighty force behind her, John Collier as executive secretary of the American Indian Defense Association. They have fought in season and out, at home and abroad, in Congress, among the Indians, among the whites. And they have blocked some of the most vicious legislation of recent years designed to rob the Indians.

An epitome of courage, strength, and motherly kindness, of all that is best in womanhood, Mrs. Atwood sat facing the writer in Riverside last August, telling of pitiable conditions among the Indians to-day.

"The health service," she declared, "is atrocious! Indian reservation doctors are, for the most part, derelicts. I found four doctors who were dope fiends the first month I was in this work, nearly eight years ago."

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Many of the doctors, she went on to say, while not dope fiends or liquor addicts, are callously indifferent. Frequently they refuse flatly to respond to a summons. She cited an instance. A doctor on the Navajo Reservation in 1927 refused point-blank to drive 40 miles at night, with some white people who had come for him, to attend a Navajo woman dying of hemorrhages after childbirth.

FOOD FOR THIS STARVING PEOPLE

"But the first, the crying need of our Indians to-day," Mrs. Atwood exclaimed, and tears sprang suddenly to her eyes, "is food! Simply enough food to satisfy the pangs of semistarvation! About five years ago I was invited out to Arizona, to Sacaton, where the Indians and whites were celebrating San Carlos day. The agent—there are kind subordinate officials in the Indian Service as well as the other sort—was giving the Indians a feast that day, consisting of frioles, beef, coffee, and bread.

"I walked with him to the place where the food was. And when I saw the Indians coming out with hungry, eager faces, and trembling hands, I exclaimed, 'Why, these Indians are famished!' He said, 'Yes; this is the only full meal they'll get during the year.' These were the Pima Indians, gentlemen and gentlewomen. Their proud boast is that they have never shed a drop of paleface blood. In the early days they always succored the whites, taking them into their homes when dying of thirst and nursing them to health.

"These Indians were starving because the whites had taken their water from them on the upper reaches of the Gila River. The Government had built a storage dam but had failed to put any laterals down to the Indian land. So for three successive years the Pimas had planted their crops and seen them wither and die. It was all a wicked injustice! They are such fine farmers that when they could get even a little water they took all the sweepstakes in prizes in State and county fairs."

But we are digressing! This article has to do only with personal not property wrongs. Just a word more about cruelty to adults, then we will consider again, briefly, the plight of the little Indian child.

Chain-and-ball treatment for both sexes—in one case an Indian woman was put in a 1-room jail with three men; semistarvation; the giving of spoiled food to helpless old Indians as "rations"; the refusal of reservation doctors to attend women dying in childbirth; permitted bootlegging and moral evils; these cruelties to the Indian race were reported in almost all sections I visited.

Mrs. Gertrude Bonnin—Zitkala-Sa, president of the National Council of American Indians, a descendant of Sitting Bull, and one of the most cultivated women of her race, made the following statement to me:

"During my visit this summer to various reservations, I saw, at one place, Indians bathing the corpse of a man. They cried aloud so hopelessly that I wept with them. The body of the dead did not have a bit of flesh on it. It was just skin and bones. He had starved to death. He had had no food and no proper medical care. I saw hungry Indians everywhere I went.

"Then, too, there is increasing immorality and drunkenness, due to slack supervision, on all reservations."

Now—one last word about the children! The writer is convinced that if the white children of this country, whose beloved outdoor clubs are based on Indian woodcraft and Indian folklore, could know of the treatment the little Indian child is receiving, there would be a crusade of American white mothers in behalf of the Indian child, our ward.

Think what is required in an average American family to feed a white child one day. Then listen to this, taken from page 327 of the Institute report, regarding the Indian boarding schools:

"The average allowance for food per capita is approximately 11 cents a day. . . . At Rice School (San Carlos Apache Reservation, Ariz.) . . . the average amount spent for food was 9 cents a day. The dietary was examined . . . and it was obvious that the children were not receiving an adequate amount of food even of the very limited variety supplied. Malnutrition was evident. They were indolent, and when they had the chance to play, they merely sat about on the ground, showing no exuberance of healthy youth."

Exuberance? In an Indian boarding school?

LABOR IS ENFORCED IN SCHOOL

I visited a number of these prison-like schools. Everywhere I found extensive provisions for child labor. Provisions for play were almost lacking. In two schools I was shown "recreation rooms." Both were gloomy, musty-smelling basement rooms. And this on the desert where sunlight and space are cheap! But the rooms showed no signs of use. Indian boarding-school children evidently have neither the time nor the vitality for play.

"The labor of children as carried on in Indian boarding schools," the report tells us further on, "would, it is believed, constitute a violation of child labor laws in most States."

And the report goes on to tell us:

"The laundry is an important feature of every Government school. It is one of the chief sources of labor for the pupils. . . . The space allotted to the laundry is often small. At one large school this fact is capitalized. The superintendent reported that he can get

much more work out of the children if he keeps large piles of laundry before them. An inspection of the plant verified his statement. A number of small children were literally hidden behind great piles of wet laundry in a greatly overcrowded room filled with steam * * *."

Finally: "The prevalence of tuberculosis in boarding schools is alarming," the report informs us on page 206.

There is not room here to tell of half the horrors in these schools where our little Indian wards spend their lives from 6 to 18, virtually as prisoners, though they have committed no offense except that of being Indians instead of whites.

One investigator last year found 30 children sleeping two in a bed, in single beds, at one school. And at a school in Arizona the writer saw one dormitory which contained 18 beds and only two small outside windows. Bathing and sanitary facilities are usually of the very worst, and epidemics sweep the schools.

Dr. B. O. Thrasher, formerly the doctor at the Fort Apache Indian School, describes as follows the condition of the little Indian children being "civilized" hundreds of miles from their mothers' arms:

"Many of these small boys came to the clinics with their hair filled with nits. Some with crusted sores on their heads from lice. Many with clothing many sizes too large for them. Clothing of some stiff with dirt. Stockings tied up with pieces of string. Some were found using segments of automobile tubes as garters. These little boys were being criminally neglected * * * in their dormitory."

In the Towaoc School, in Colorado, the cook discovered that the dried fruit was full of worms. The attention of the school principal was called to the situation, but he told her that when the water boiled it would sterilize the worms and it would not hurt the children to eat them. She was made to serve this food and also to cook and serve maggoty meat.

More light has been shed on this Towaoc School by the former matron, who loved the children and was loved by them. The flour, she declares, which was stored in the basement, was infested with mice, rats, and weevils. In addition, when the floors above were scrubbed the dirty water would drip down on the flour. Finally she ordered all the flour removed. The school principal, hearing of this, declared that the flour was all right, in proof of which he thrust his hand into a sack. When he withdrew his hand it contained a number of small mice as well as flour. Yet he ordered a portion of the flour used for the children. The remainder was put in storage and given to the poor and old Indians.

The children, this former matron declares, were lice infested and pitifully underclad. Only cheap canvas shoes were provided, gingham dresses, and no petticoats, and only the thinnest of underwear. All were underfed. The food actually "smelled." There was much sickness, and the children received no care. She sent one very sick little girl to the hospital, but the doctor twice returned her, refusing to have her there.

The boarding schools! Everywhere the writer went among Indians she heard the pitiful plea:

"We don't want boarding schools away off; our children come home sick; we want day schools here."

And the bitter complaint from the children: "We work too hard. They don't give us enough to eat."

On the Colorado plain near Ignacio the Utes—in gorgeous bead and feather regalia, for it happened to be the last day of a 4-day sun dance—gathered around the writer and told their troubles. The elders complained of injustice, of lack of medical care, of cruel neglect of aged Indians. The shy young people, home on vacation, told of harsh punishments in the distant boarding schools.

SCHOOL DISCIPLINE IS CRUEL

And as the writer continued to move about among Indians and whites in half a dozen States she heard more and more of the cruel discipline at the Indian boarding schools.

"I have seen Indian boys chained to their beds at night for punishment," Construction Engineer Russell, of Flagstaff, Ariz., has declared. "I have seen them thrown into cellars under the building which the superintendent called a jail. I have seen their shoes taken from them and they forced to walk through the snow to the barn to help milk. I have seen them whipped with a hemp rope, also a water hose, and forced to do servants' work for employees and superintendent without compensation, under the guise of industrial education."

W. Carson Ryan, jr., professor of education, Swarthmore College, one of the institute investigators, found these conditions on his trip to Wahpeton, N. Dak.:

"School supplies right down to rock bottom—not sure whether they can hold out, and superintendent may have to keep youngsters alive out of his own pocket. Rations consist of bread and mush. This and 32535—5098

other schools in the Dakotas and Minnesota make one wonder if Dakota is not the Siberia of the Indian Service.

"The superintendent showed me a dungeon in the basement previously used for girls, up to his coming two years ago. 'I never locked up any Indian child yet, and I don't intend to begin,' he said. The dungeon is 18 by 8, absolutely dark. Girls told the superintendent of two or three of them sleeping there on mattresses and rats crawling over them at night. Their food was bread and water. Brick walls showed where the girls had worked holes through and escaped."

Finally Mrs. Bonnin made to the writer the following statement in regard to the Oglala School in South Dakota:

"Conquering Bear's two boys were in Oglala boarding school, and they ran away to Corn Creek, about 40 miles away. Policeman Jumping Eagle and the disciplinarian went after them and brought them back and gave them a severe beating. They were about 12 and 14 years at the time. Their heads were shaved, though it was winter. One of the boys had a ball and chain locked onto his leg and was locked to the bed at night. My informant saw this herself. The boys were in the jail above her room. They were in a dirty, filthy place, with a bucket to be used as toilet."

"She said it hurt her so to see all these things, such as this little boy carrying the ball when marching to meals, that she could not eat. The boy even went to school with the ball and chain on, and it bothered the other children. Many requests were made to the principal to have the disciplinarian take the chain off, but days went by before this was actually done."

And Mrs. Bonnin related this incident:

"A district-school teacher, still in the Indian Service, hitched 12 little boys together and plowed an acre of ground. When a boy lagged behind because of exhaustion he was prodded with a sharp stick. The father of one of the boys told me this during my visit last summer."

WHO IS RESPONSIBLE?

What of the Indian Bureau—the Indians' "guardian"—while these things are taking place? Are these frightful conditions never reported to the Indian Commissioner and Assistant Commissioner?

I am informed they are. That every now and then some bureau employee, placing loyalty to humanity above loyalty to superintendent or other petty superior, reports conditions directly to Indian Commissioner Burke.

For example: Dr. S. S. Warren, at the Leupp Boarding School on the Navajo Reservation, made such an appeal, in desperation, during an epidemic in 1925 to save the lives of little Navajo children. First, however, he notified the local superintendent of the epidemic, as follows:

"We have approximately 100 cases of measles and 7 cases of pneumonia. Having just gone through an epidemic of influenza, our nursing force of teachers and two nurses are worn out and unfit for duty."

For a time he made these appeals daily to the reservation superintendent, urging the desperate need of more nurses and medical assistance. He did not get either. Finally, as a last measure, with children dying all about him needlessly, he wired directly to Indian Commissioner Burke on April 29 in these words:

"We have had an epidemic of measles and influenza since March 17. Four deaths, and typhus suspect in hospital now. Dormitories and hospitals foul with contagion. No sanitary measures have been taken in conformity with public health and State laws to clean up. Children being bedded in and occupying quarters used for the sick, to the future detriment of health."

Doctor Warren obtained no aid. Six months later the following rebuke was sent him:

"In the Indian Service all matters of importance should be carried out through the superintendent as administrative officer. If you will inform the superintendent in writing as to what you believe should be done * * * your responsibility ceases. All such matters are checked up sooner or later, and should the superintendent fail in his duty he must take the consequences."

Checked up sooner or later? Ah, no doubt.

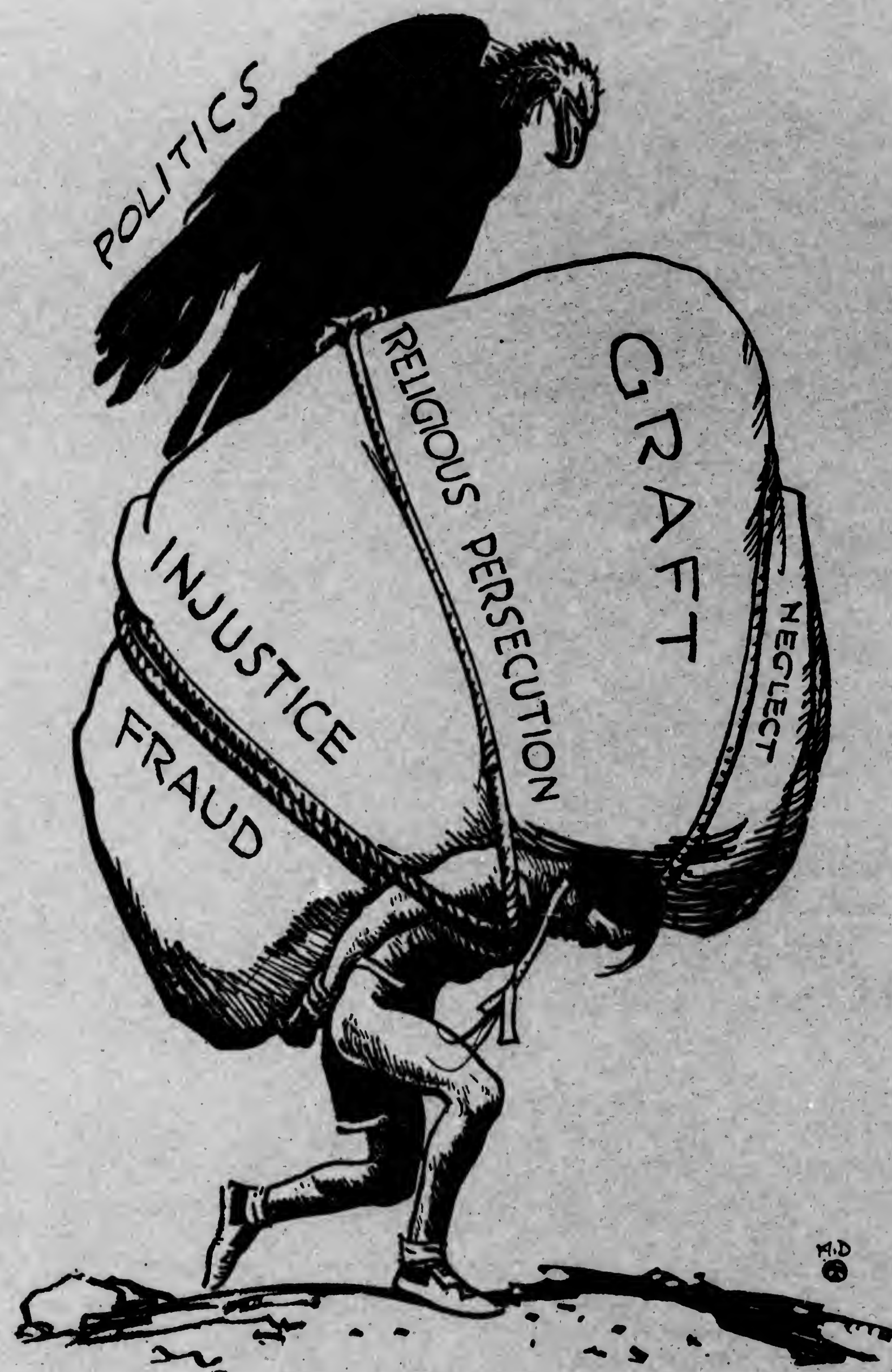
But the dying little Navajos had not been able to wait. They had gone on the long trail to hunting grounds which, we hope, were happier than those.

Edwin M. Stanton, Secretary of War in Lincoln's Cabinet, said in 1864, when Bishop Whipple, of Minnesota, was in Washington on behalf of the Sioux Indians:

"What does Bishop Whipple want? If he has come here to tell us of the corruption of our Indian system and the dishonesty of Indian agents, tell him that we know it. But the Government never reforms an evil until the people demand it. Tell him that when he reaches the heart of the American people the Indians will be saved."

**EVEN AS YE DO
UNTO THE LEAST
OF THESE, SO YE
DO UNTO ME**





OUR INDIAN SLAVES

THE great continuing scandal of American public life is the scandal of Indian affairs. The intensified enslavement & persecution of a third of a million Red Americans is the meanest, as it is one of the hugest scandals, of the year 1924.

And though Albert B. Fall, who contributed his bit to that historical scandal, is gone, the scandal has neither ceased nor grown less.

One hundred and twenty-three thousand square miles—the area of Japan—is involved in this Indian scandal. Oil, coal, water power, timber and other natural resources worth billions are involved. A hundred helpless Indian tribes are caught in the net of this great wrong. White populations of 10,000,000 are menaced by the diseases which rage among helpless Indians penned on reservations.

The climax of a record at once monstrous and mean is now being achieved. There is one liberty which even the black slaves before the civil war were never deprived of—liberty of religion. In the name of Americanism and Christianity the Indian bureau is now taking away from the red slaves this last liberty.

I am not making fantastic statements. This article and ones to follow will reach many readers. If I made one inaccurate statement among a hundred accurate ones, the Indian bureau would proclaim my error from coast to coast. The statements are true and the facts are tremendously important.

Abraham Lincoln in 1863 said about the system of Indian affairs: "If I live, this accursed system shall be reformed." He did not live. The system lives. It has gained an independence of congressional and popular control which it never had

in Lincoln's time. In Lincoln's time the system merely nibbled at the Indian's property and his personal liberties. Now it reaches as a giant octopus through all the 123,000 square miles of the Indian country, and its tentacles have grasped not only the Indian's body but his conscience and soul.

The Indian, though now a citizen, is a member of an alien community, once a sovereign nation, now a dependent community. The supreme court has ruled that the Indian is dependent on congress or its agents—on the political will of congress. Therefore, he cannot assert constitutional rights.

Congress has turned the Indian over to the Bureau of Indian Affairs. This bureau, in the Department of the Interior, with nearly 6000 paid employees, is engaged in "civilizing" a third of a million Indians.

The Indian bureau is trustee over the Indian property—whose area is twice that of New York state, and whose values are unknown billions.

It is guardian over the Indian's person. Also it is the Indian's teacher, doctor, irrigation engineer, farm organizer, court of justice, policeman and religious regulator.

Indian bureau regulations have the effect of congressional statutes. The Indian bureau is its own law-maker, to the extent of about 2000 laws.

The Indian bureau is a trustee and guardian who is responsible to no court in the land. All other wards—except Indians—can go into court when their guardian brutalizes them or dissipates their estate. They can get a court review of the guardian or trustee.

But not so the Indians. No other trustee on earth controls so huge an estate as the Indian bureau. No other trustee is supreme above the courts—immune from court review. The Indians are in effect the property of their guardian. Horses and

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But not so the Indians. No other trustee on earth controls so huge an estate as the Indian bureau. No other trustee is supreme above the courts—immune from court review. The Indians are in effect the property of their guardian. Horses and

dogs also are property, but if they are brutalized by their owner he can be dragged into court. Not so the Indian bureau. A starving Indian cannot force his guardian into court. An Indian parent ruthlessly separated from his child for years at a time, merely for the crime of being an Indian, cannot hale his guardian into court. An Indian imprisoned for his religious worship has no redress in the courts.

The Indian bureau is sanctimonious. It is the boldest of all Christian missionaries and weeps over the needs of its wards, particularly at election times and when congress is considering the \$13,000,000 Indian office budget.

I close this article with a quotation from the National Bureau of Municipal Research. This bureau investigated the Indian office for Pres. Taft and for a joint committee of congress. Its 100,000 word report was suppressed. Not even one copy was allowed to be placed in the library of congress for the people's representatives to read. Such

is the power of the Indian bureau and of the vested financial interests which operate through the bureau. This is the summary of the findings of the National Municipal Research Bureau:

"Behind the sham protection which operated largely as a blind to publicity have been at all times great wealth in the form of Indian funds to be subverted; valuable lands, mines, oil fields, and other natural resources to be despoiled or appropriated to the use of the trader; and large profits to be made by those dealing with trustees who were animated by motives of gain. And still, due to the increasing value of the remaining estate, there is left an inducement to fraud, corruption, and institutional incompetence almost beyond the possibility of comprehension. All the machinery of government has been set to work to repress rather than to provide adequate means for justly dealing with a large population which has had no political rights."

THE "ACCURSED SYSTEM"

Separating the Indian from his property is the chief business in Indian affairs. This concerns you and me, because the Indian is our government's ward and because the Indian estate, containing billions of dollars of natural wealth, is a substantial part of the national domain.

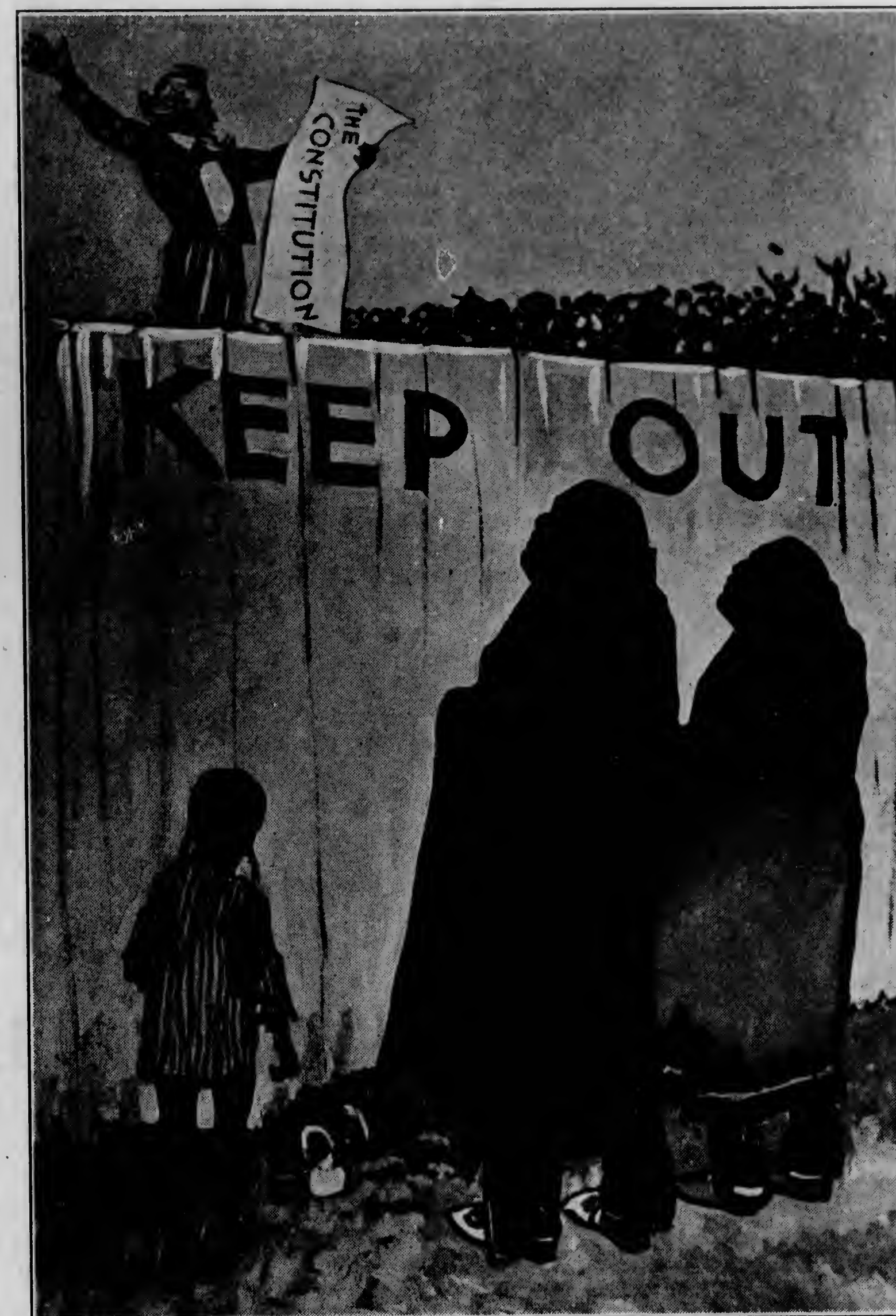
The naval oil scandal involved less than a half billion dollars of estimated value. The Indian estate scandal involves 10 times that much value. Why has the conservation idea been applied to national forests, national parks, Alaskan public domain and, in theory, to the naval oil reserves, but never to the 123,000 square miles of Indian country?

Because neither the Indian Bureau nor congress has any intention of conserving this Indian country

or of developing it for the national advantage. They intend to continue as they have done, to dispose of this huge estate for the benefit of private and predatory interests.

The Indian Bureau does not want to separate the Indian from his property all at once. For it controls that property and all the money resultant from its lease or sale. The property lies in 35 different states. The Indian Bureau has an unprecedented and limitless discretion as to the disposal of the greater part of this whole estate of billions.

The Indian Bureau must protect itself in congress. It must keep its job—and multiply the jobs. By what method? A trustee having unreviewable power over an estate of billions scattered through 35 states



can go a long way toward controlling congress.

So it would be fatal to the "system" to turn the Indian estate over all at once to the hungry corporate and voting interests. The gigantic fund to be used politically must be doled out not by billions a year but only by millions or tens of millions.

Meantime the Indian Bureau must keep and increase its unregulated power over this vast estate. And in fact each year sees the increase of the czar-like power of the Indian office over the lands, the money and the persons of the Indians. And each year sees the extension of the octopus' power over congress itself—the bipartisan octopus, Republican where he needs to be and Democratic where he needs to be.

The real chief of the Indian Bureau is Edgar B. Merritt, the assistant commissioner. Merritt, an Arkansas Democrat, did not tremble for his job when Albert B. Fall became secretary of the interior, and a lifelong Republican politician, Charles H. Burke, became commissioner of Indian affairs. Not at all. The Democratic Indian office boss kept his job. And promptly, under Fall's direction, bipartisan system went out to elect a Repub-

lican ticket in New Mexico by the attempted device of cancelling the Pueblo land titles and delivering these lands over to white voters.

Merritt became assistant commissioner in 1914 and holds across the Republican administration. But if the system "works" Republican politics in one state it will "work" Democratic politics in another, and this arrangement is congenial to the two big parties or to those who control them. For didn't Sinclair, Fall's friend, work both parties at one time everywhere?

The uprooting of this system—"accursed system," as Lincoln called it—from American public life, is one of the big jobs waiting for those who want big jobs to do. The material stake is 10 times the stake in slavery which caused the civil war, 40 times the stake in the slave trade against which the British abolitionists struggled for 50 years before they won, and at least 20 times the stake in the struggle to emancipate the slaves of the Congo from the grip of King Leopold of Belgium.

The American Indian country has been called the American Congo. The "system" has here been described. In succeeding articles we will watch that "system" at work.

INDIAN LANDS AND THE "SYSTEM"

The United States used to make treaties with the Indians. It made about 300 treaties and in letter or spirit has broken them all. Solemn treaties, but this is how an Indian commissioner, Francis A. Walker, correctly described our own government's view of the matter:

"When dealing with savage men as with savage beasts, no question of national honor can be involved. Whether to fight, to run away, or to employ a ruse, is solely a question of expediency."

Treaties solemnly signed, and solemnly obeyed by the Indians, were "ruses" in the intention of the government officials.

They were "ruses" designed to lead the Indians to make peaceful surrender of their ancestral lands in return for a guaranteed perpetual occupancy of other land, and of civil and religious liberty. Having thus separated the Indian from his land, our government proceeded to forget the "ruse"—to violate its sworn obligations.

We must hurry past this gigantic mean chapter in order to deal with present wrongdoings. One case will suffice. The 100,000 California Indians received complete treaty guarantees in the Treaty of Guadalupe Hidalgo with Mexico. They were pledged the undisturbed continued use of the land they were occupying. In thirty years they had been dispossessed of the last square yard of this land. They had been enslaved, starved, and actually massacred by thousands. Their number was reduced to 15,000.

Summing up that California Indian record, Indian Commissioner Kelsey, appointed by President Roosevelt, stated: "The last 100 years tend to show that the Indian Office has not within itself the power to initiate any movement for the relief of the Indians." These words are the truth today.

But eviction by treaty violation is only one method of separating Poor Lo from his estate. More gentlemanly methods, better designed to perpetuate the Indian Bureau system, have been devised.

The first method is to force upon the Indian an allotment of land in "fee simple." Prior to this event he is kept in leading-strings made of iron links. He is forbidden to handle his own money, prevented from organizing for corporate action with other Indians, left illiterate and given no training in agricultural organization. Then when the corporations or the local voters are ready, and when the Indian Bureau needs a friend, the Indian suddenly is given absolute ownership of his land individually.

In a moment the whites are upon him. By enticement and loans and actual duress they get his land away. It happens everywhere. Dr. Warren K. Moorehead speaks thus of the White Earth reservation allotments in Minnesota. The White Earth Indians are at this time destitute. Moorehead is a member of the President's Board of Indian

Commissioners. He says:

"The Indians lost their property almost without exception. The affidavits bristled with forgery and perjury. Drunkenness was one means of separating them from their land. Where was the Indian Bureau while these disgraceful scenes were being enacted? How is it that the testimony of missionaries and others produced no effect at Washington?"

But there is a still more gentlemanly method, and more popular at the present time with the Indian Bureau. This is to allot the Indians their land individually but to hold the allotments in trust. Sixty thousand square miles of the Indian estate is now trust allotted. As soon as trust allotment is made, then the Indian Bureau has limitless power over the property. It can lease it or sell it, with or without the Indian's consent, by declaring the Indian "mentally incompetent." It can lease or sell by any method, at any price, subject only to the regulations which itself makes. This is better than letting a hungry, frightened or drunken Indian sell his fee-simple allotment, for now the Indian Bureau can say who can lease or buy, and when, and on the basis of what agreement or payment.

And if a helpless Indian sells his fee-simple allotment, then he, the Indian, gets the money. But if the Indian Bureau sells or leases trust-allotted land, then the Indian Bureau gets the money to use for the "civilization" or rationing of the Indians or of the Indian Bureau.

So there has been built up that huge fund of tens of millions held by the Indian Bureau and variously used.

There are numerous other methods of separating the Indian from his property. Always the Indian Bureau, his guardian, wields these methods or directs the wielding. And meantime it weeps over his un-Christianized pagan soul.

SLAVES IN OKLAHOMA

Down in Oklahoma there are 50,000 slaves.

They are Indians who were guaranteed their perpetual independence by the United States 80 years ago. In 1908 a solemn mockery was carried out of making them free Americans in every sense. But they are slaves, made slaves by the very law which pretended to make them glorious, free United States Americans.

This is the most lurid scandal of the Indian "system" at present, except for that other scandal of the religious persecution of the Indians by the Indian Bureau, which will be described in the next article.

The gist of the Oklahoma scandal is as follows:

With the Indian Bureau, which normally dictates to congress in legislation affecting Indians, passively consenting, congress has turned the Oklahoma Indians over to the political guardians appointed by the county courts of the state.

These guardians report to the court which appoints them. The court is locally elected. The guardians elect or defeat the judges.

The guardians receive the income of the Indians from oil, timber sales, grazing leases, etc. They control these sums absolutely. They control equally the persons of the Indians.

The income since this guardianship system was created has several times trebled \$10,000,000. The guardians pay the Indians what they choose, collect huge fees, lend out the money, buy and sell real estate through it, and help support the political machines of the state with this Indian money.

Guardian Kimberly, placed by the court in charge of an Indian girl, demanded \$5000 a year as his

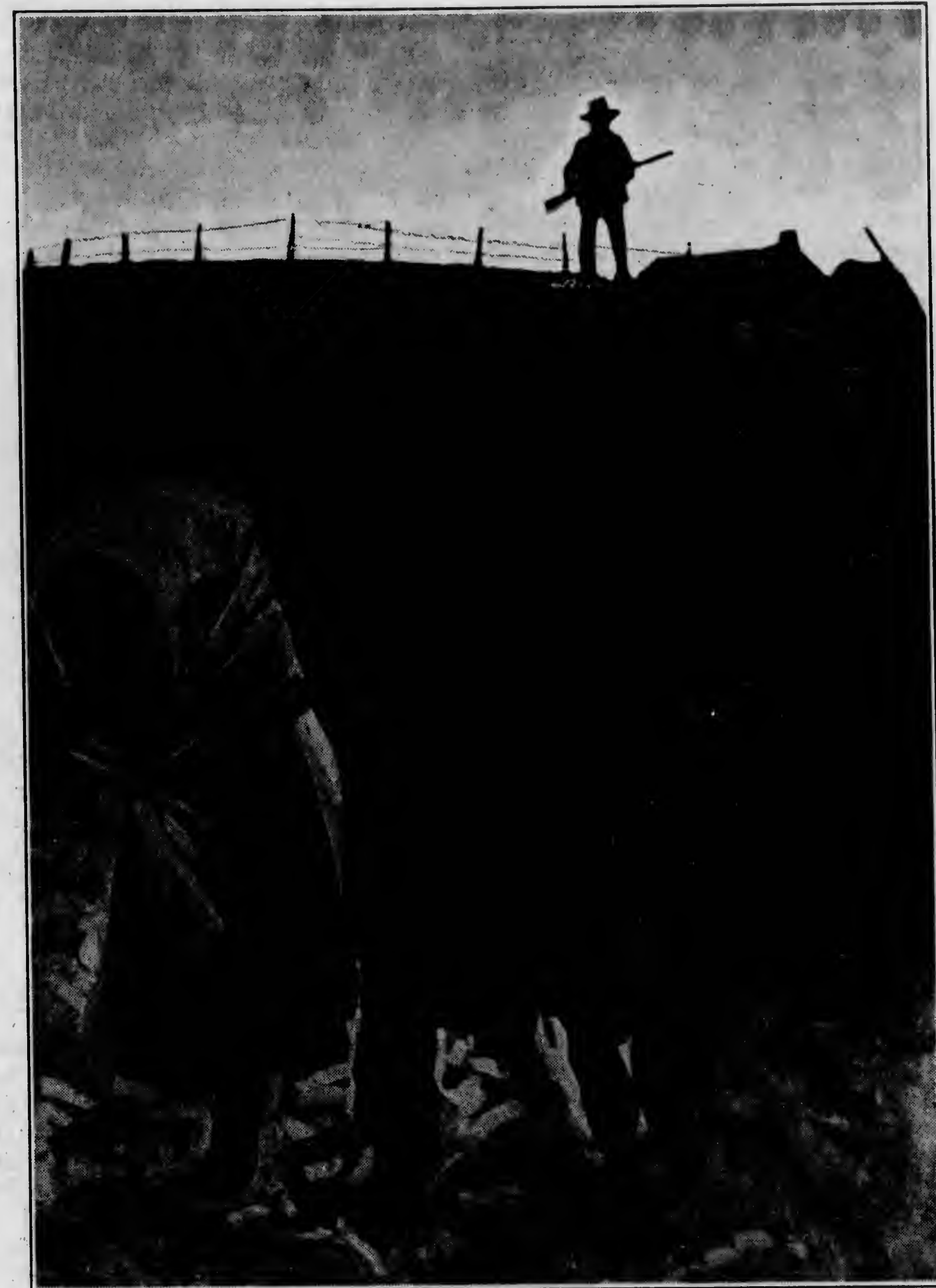
fee. He proved that he took this girl to a "movie" once a week. He did not claim to perform any other service—for the girl's oil income was collected by the Indian Bureau and merely paid over to him. The court awarded him \$5000.

A young Shawnee woman tried to flee from her white guardian. He pursued her through county after county. Through a court order he took her household effects, even her bed. He refused her a cent of her money. He published advertisements warning doctors not to give medical service to this woman. The doctors obeyed. The woman's baby became ill, no medical treatment could be had, and the baby died. The woman is a slave today.

A joint report of the Indian Rights Ass'n, the American Indian Defense Ass'n, and the General Federation of Women's Clubs, states: "There is no hope for any reformation in the present system, and if action is delayed for a few years there will be no Indians left with property to protect."

But this system is not new. It was established in 1908. Every year since, the scandal has grown more atrocious. What has the Indian Bureau, with its dictatorial powers in legislation, done about the scandal?

It has done just one thing. It got Uncle Sam to appropriate about \$100,000 a year, which has been continued annually since 1915, to employ attorneys. These attorneys live in Oklahoma and practice before the county courts. They have no power under law. Assistant Commissioner Merritt rightly states that there is little friction between these attorneys and the courts which appoint the guardians.



The courts and the guardians are in conspiracy to enslave the Indians and rob them. The \$100,000 corps of Indian office employees, appointed solely to protect these pitiful victims, has no friction with those engaged in one of the most hideous crimes of the century.

Now various organizations of citizens have undertaken to get legislation abolishing this peonage and loot in Oklahoma. The Indian

Bureau weakly agrees that it should be done. The facts have been broadcast and are uncontradicted, but Congress refuses to budge. The Oklahoma delegation says "No." The Indian Bureau maintains its army of "protectors," and collects and delivers to the guardians the money from the Indian estates.

There are many ways to separate Indians from their property.

RELIGIOUS PERSECUTION

I have told the sort of lawless power which the Indian Bureau wields over the vast property held in trust for the Indians, and how that power is used to control Congress and to maintain a system of tyranny involving the riotous waste of 123,000 square miles of Indian and public land.

In 1921, Albert B. Fall became Secretary of the Interior and Charles H. Burke became Commissioner of Indian Affairs. Edgar B. Meritt, a Democrat, chief of the bureaucracy, remained as assistant commissioner.

And in that year the absolutism of the Indian Bureau reached out and grasped the soul of the Indian. A slow persecution against the Indian religions which had long been going on was speeded up, and the speeding-up has proceeded until today it has become the outstanding Indian scandal.

But the Indian Bureau makes its own laws, called regulations, which are binding as statutes until such time as Congress may overrule them.

The Indian Bureau creates crimes, and one of the crimes it has created is to worship God as an Indian worships God.

The "Indian offenses" which are decreed by the Indian Bureau are

not tried before the courts of the land. They are tried before the field subordinates of the Indian Bureau. These Indian judges and Indian agents are the accusers, the judges and juries. Often they are the witnesses as well. Under such a barbaric arrangement the Indian is arrested, tried and fined or imprisoned for an "Indian offense!" This is done in order to teach the savage Indian about law, justice and the orderly processes of the law.

The Indians are deeply and universally religious. Their religions are older than Christianity. These religions teach about the creation of the world and of man, the relation between man and God, the duty of man to man. They contain the moral code of the Indians, which is a code of truth-telling, honest dealing, kindness to children and the old, loyalty to the community, faithfulness in marriage, and cheerfulness in the face of sorrows.

They express these religions through songs, congregational prayers, rhythmic movements and dramatic pantomimes. Their forms of prayer are many and they believe that by faith alone is a man saved. The Indian belief is that a man's prayer is effective only if it is an actual, emotional and believing



communion with God. The "Indian dance" is simply any form of Indian worship.

Some missionaries find the Indians very vexing. Such missionaries would like to smash the Indian religions by force, and are glad when the Indian Bureau compels Indian children to accept religious training from the missionaries.

To please these missionaries, who represent a considerable political power, and to express its contempt for the Indians whom it has wronged (for it is human nature to despise and even hate the creature one wrongs), the Indian Bureau has instituted a persecution of these "pagan" Indian religions.

IT HAS CLASSED THE RELIGIOUS RITES AS "INDIAN OFFENSES," PUNISHABLE BY IMPRISONMENT.

Commissioner Burke on Apr. 26, 1921, instructed all the Indian superintendents to treat as Indian offenses any "so-called religious ceremony" which, in their opinion, promoted idleness, was prolonged or excessive, caused Indians to give away their property recklessly, contained danger to health, or promoted indifference to family welfare. A hostile authority could debar any and every Christian religious practice under one or another of these omnibus descriptions. This order was followed up on Feb. 14, 1923, by a supplementary circular embodying the recommendations of certain missionaries. Among these recommendations "whose main features could be heartily endorsed," was one to the effect that no Indian younger than 50 years of age should be permitted to take part in or witness the religious ceremonies of the tribes. Another recommendation was that a careful propaganda should be undertaken to "educate public opinion against" the Indian religious ceremonies.

THEN ON FEB. 24, 1924, THE COMMISSIONER SOLEMNLY ADDRESSED "ALL INDIANS," WARNING THEM THAT UNLESS

THEY VOLUNTARILY GAVE UP CEREMONIES, VARIOUS AND SUNDRY, WITHIN ONE YEAR, COERCION WOULD BE USED AGAINST THEM.

The Indians did not voluntarily forswear their 1000-year-old creeds. Something forcible became necessary.

On Apr. 18, Sec'y of the Interior Hubert Work and Commissioner Charles H. Burke of the Indian Bureau reached the ancient and beautiful Pueblo of Taos, in New Mexico. There, according to the testimony of the Indians, the commissioner referred to the Pueblo Indians as "half animals" and ordered that the religious training of their boys should be suspended. This verbal order had previously been written and was again transmitted to the Pueblo in writing, with a threat of drastic action to follow.

The orders do not say "You must stop the religious training of your children." Instead, they require that certain boys, temporarily withdrawn from school in order to be trained for the priesthood, shall be surrendered to the school. This means the violation of the Pueblo's most solemn religious rule and it means the quick destruction of the religion. For the voluminous Bible of the Pueblo Indians is not written but is passed on from the old to the young by careful teaching.

Taos Pueblo replied that all its members would go to jail and stay there before they would surrender their religion. But Zuni Pueblo has fallen before the storm of persecution. There, the withdrawal of boys for a four-day period from the government school, to receive their consecration into the tribal religion, has been forbidden and the order has been enforced. The tribal government of Zuni, heading up in the ancient priestly hierarchy has incidentally been overthrown and a dictatorship has been established.

No charges are made against the Indian religions by the officials. The offense is simply that these re-

ligions are Indian and that they stand in the way of the Christian missionaries.

The Indian Bureau has exceeded even its own previous record of Czarism. It has suspended that liberty which is fundamental to all other liberties—liberty of conscience—and whatever language the commissioner may have used, his action reduces the Indians, his

wards, to the status of animals who are denied the possession of souls.

There is no precedent in American history for this course of action by the Indian Bureau. It means a return to the Spanish Inquisition. It will be carried out with customary ruthlessness unless a nationwide public protest is made. The protest should be made to the president and to congress.

GIVE UP YOUR CHILD!

Will the reader think of his own children? Will he imagine that there is an official at Washington who is the reader's trustee by law and is squandering his property. This official is likewise the reader's guardian by law, and can throw him into jail without warrant, jury trial or lawyer's assistance. This guardian is especially hostile to the reader's religion and is engaged in persecuting the reader for his religious beliefs.

Will the reader then imagine that this Washington official comes along and says: "Give up your child. It is time for him to be moved away from you, to be confined in a huge barrack-like establishment, clad like a highjack working on the road, and taught that everything you believe and are is savage, disgraceful and sinful. Give up your child!"

If the reader will imagine this sufficiently hard, he will get a faint idea of how the Indians feel about the government schools.

He will get an idea also of the heartbreak and agony endured by Indian mothers and by little Indian children through the system of government schools.

But he will not yet see all the grotesqueness of the Indian Bureau school system. For there is nothing like it within the experience of white people.

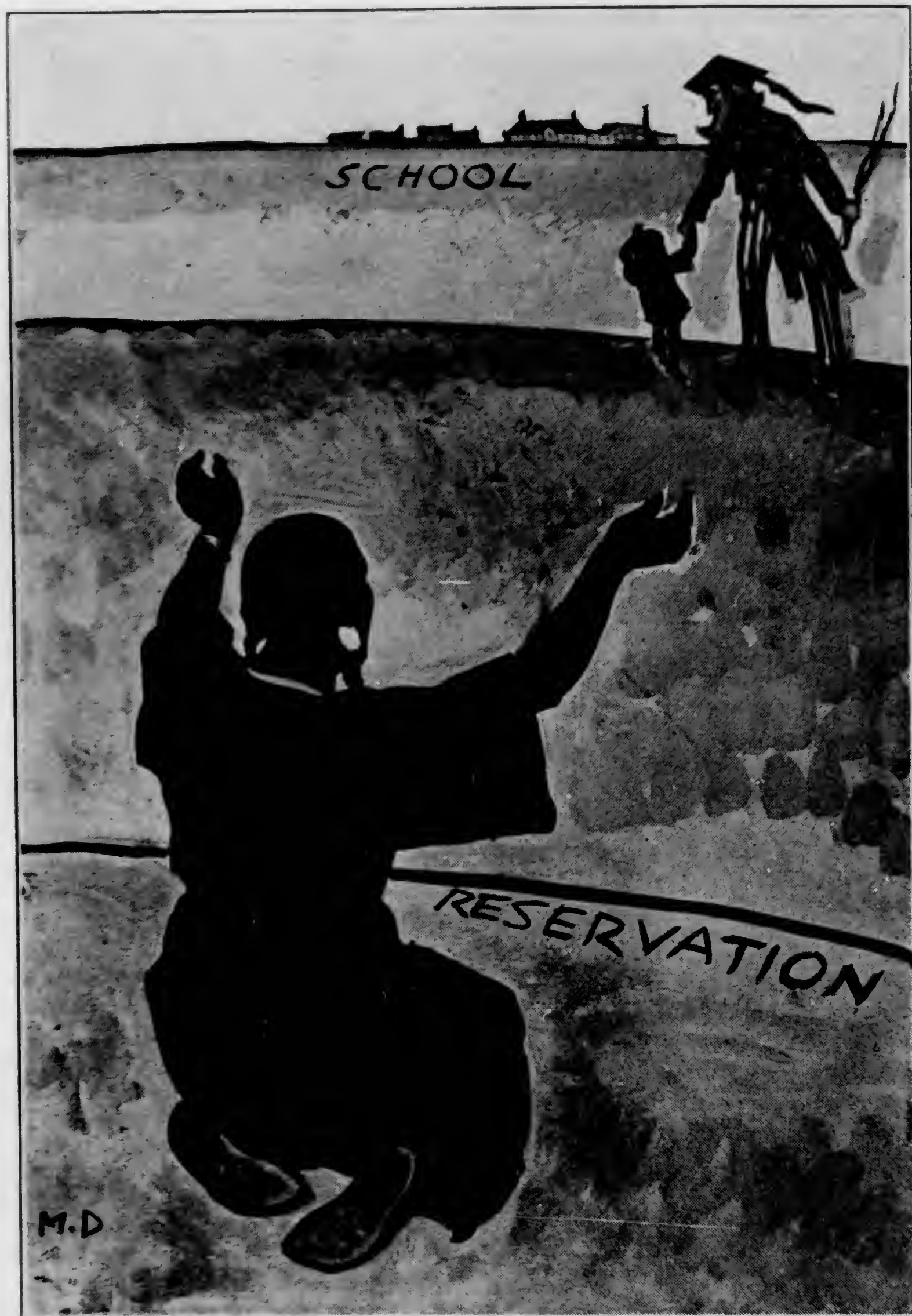
There are Seminole Indians living in the Florida swamps. There

are Hopi Indians living on the high mesas of Arizona far from water. There are forest tribes, prairie tribes, hunting tribes, stock-raising tribes (like the Navajos), agricultural tribes (like the Pueblos). The Indians and their conditions of living are infinitely varied. The way they must earn their living when they grow up will be one way for a Hopi, another for a Seminole and still a very different way for the Blackfoot.

But it's all one to the Indian Bureau. Incredible as it may seem, it is a fact that the Indian Bureau prescribes a uniform curriculum—a uniform course of study—for all these utterly different tribes.

The children are dragged away from the tribes and confined in these huge boarding-schools, hundreds or thousands of miles from their homes. They all draw pictures of Iowa frame houses in order to learn how to live in adobe houses or in tepees. An Indian boy from Alaska, where there are only reindeer, is taught the trade of shoeing horses, and a Navajo boy destined to live on the dry desert is taught plumbing.

They come from the tribes speaking many different languages, and usually from tribes with a rich religious life and a life of beautiful song, dance and games. When these school doors close behind him, the homesick child must



abandon his language. He must abandon his religion. His hair is his chief pride—this is cropped like a convict's.

He must study a history book which makes no reference to the past of his own race. He, who in his own tribal way is a gorgeous singer, must learn the Sunday school songs. In many schools he is subjected to constant pressure from the missionary—he is predestined by the government to be a Baptist or Catholic or Presbyterian.

Nearly all he learns is unconnected with his past or his future. The grim atmosphere of the institution is hostile to all that he has been or will be. And this experience is not for a few months. It is for all the school years.

Then he "returns to the blanket." He has suffered a lot, learned a very little, wasted many precious years, and perhaps has been turned into an atheist—rarely indeed into a Christian. He leaves the school. But he does not escape his trustee and guardian. There, back on the reservation, waits the Indian Bureau. What it waits for and how it deals with its ward has been told in preceding articles.

In another way the Indian Bureau follows him beyond the school. The child who left home a healthy child, returns to his tribe with tuberculosis, with trachoma which leads to blindness, and other diseases. He contracted them in the school where infectious disease as well as educational insanity filled the air.

DISEASE

The Indian exists in order that the Indian Bureau "System" may exist. That is how the Bureau implicitly views the matter.

The Indian is for the use of the "System," and not the "System" for the use of the Indian.

The Indian Bureau's medical service offers the surest illustration of this statement.

It has not suddenly been discovered that infectious trachoma (an eye disease leading to blindness) rages among the Indians. The huge prevalence of tuberculosis—the sensational infant mortality—the malnutrition or semi-starvation of many Indian tribes—all was known ten years ago about as completely as today.

Congress sent the United States Public Health Service to investigate Indian health conditions in 1914. The sensational report then published is pale beside the report of a Red Cross investigation made last year, which has been suppressed through Indian Bureau influence. And that Red Cross re-

port is pale beside the reports which various State Health Boards have made recently. "The deliberate extermination of the Indian through the agency of disease"—these are the words of the State Health Officer of Wisconsin, describing the "medical service" of the Indian Bureau to Uncle Sam's and our wards.

Doctors paid \$100 a month and as low as \$60 a month. And these doctors working without modern medical apparatus. A single underpaid physician, supplied with not a single nurse, caring for 6,000 Indians over a 3,000-mile area (one case among many). What wonder than an Indian Office doctor in Arizona prescribes arnica taken internally as a cure for sprained ankle, and that a Pueblo Indian Bureau doctor has been known to treat deadly syphilis with hydrogen peroxide lotions? These actual cases reflect less on the physicians than on the "System" whose last and least concern is to get results for Indians.

These brief articles cannot deal adequately with the Indian Bureau's medical service. There is a widespread belief that the Indians are dying out because they are "primitives"—that their stamina is weak and their inherited resistance to disease is slight. This belief is a phantasm. The Indians are being destroyed by syphilis, tuberculosis, preventable infant and childbed diseases, and trachoma—because they are denied the medical help available to all other people in the United States. The Public Health Service and the State Health Boards are for all

others but not for Indians. And the \$30,000,000 a year of money belonging to the Indians which the Indian Bureau pays out is not used for the purchase of private medical services to take the place of the public medical service not given. The Indian Bureau demands monopoly over Indian health needs as over all other things Indian. Possessing this monopoly, and veiled behind its censorship and secrecy, it provides a medical service which in quality and quantity is a disgrace to America and a slow-acting death warrant to the Indian race.

CONSTRUCTIVE NECESSITIES

Any reader will see that reorganization—fundamental change—is necessary in Indian affairs. Such a medical system as that above described cannot be patched up. This is true of the other parts of the Indian service. The monopoly must be ended—the blind wall surrounding the Indians must be smashed through. The abounding resources of civilization must be permitted to reach the Indian.

Congress has now made all Indians citizens. This new law changes in no way the trusteeship and guardianship which have been told of in these articles, and whose character for good or for ill is conclusive.

Trusteeship should be continued. It should be modernized—regulated by statutes—and subjected to review by the Federal courts. Unless this is done the gift of citizenship will have been hardly more than a grim gesture.

The chief principle to guide an Indian Service reorganization policy is the principle that Indians cannot develop without having responsibility. The present "System"

denies even parental responsibility to the Indian. It wars against the Indian family and home.

Responsibility is realized by individuals when working together in groups. The farm bureau—the corporation—the town meeting—these are ways through which white and black and yellow and brown men take effective responsibility. But the red man is in practise denied the right to cooperate, to organize for corporate action, to handle his capital cooperatively or corporately. Behind this denial is the denial of his right to remember his ancestors, keep alive his racial loyalties, and even his right to worship God according to his group tradition. The net result is that Indians are spiritually as well as physically enslaved in a deeper, more awful slavery than any other which the world's history has recorded. In the United States, in 1924!

This whole situation must be reversed. The Indian's strength must be used—and as with all men, his strengths are his family and his group strength.



In June, 1924, the Federated Women from every state met at Los Angeles. They unanimously passed a resolution calling for the immediate reorganization of the Indian System. They stated that this resolution was the result of their three-years' struggle to get justice for Indians through the Indian Bureau. They called on the President to act.

Their resolution stated succinctly the ultimate fact and was a needed challenge to every organization which is seeking by patch-work methods to make practicable and endurable that which is, as Lincoln called it, ‘

“an accursed system”

WHAT CAN THE READER DO?

The Organizations named are affiliated with the object of securing justice for the Indians—conservation for the Indian estate—and opportunity for the Indians to enter into the American opportunity, contributing to it from their own good life as well as receiving from it.

The effort is being carried out in face of a labyrinthine opposition by vested interests. The help of every American sensitive to the Nation's honor or sympathetic with a Race which harbors no bitterness against those who continue to wrong it, is immediately needed.

The Organizations named below have detailed and constructive programs of work. The reader is invited to join one of them and to contribute money and service as his circumstances allow.

The articles in this pamphlet appeared in the Scripps-Howard newspapers in June, 1924, and are reprinted through their courtesy. The text remains unaltered. The articles were written by John Collier. The cartoons are by Maynard Dixon. The details supporting the very abbreviated statement herein, may be obtained from the Secretary of the organization.

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INDIAN DEFENSE ASSOCIATION OF CENTRAL AND NORTHERN CALIFORNIA 460 Fourth Street, San Francisco, California JAY B. NASH Chairman of the Board of Directors WALTER V. WOHLKE Secretary-Treasurer

Retake of Preceding Frame